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SUMMARY RECORD OF THE 52nd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/48/L.53, L.61 and L.67)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.38, L.42-L.50, L.52, L.54-L.56, L.59, L.60, L.63, L.64, L.66, L.69, L.71, L.76, L.77, L.79 and L.80)

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Statements in exercise of the right of reply

1. Ms. FERTEKLİGİL (Turkey) said that, in its statement at the previous meeting, the Greek Government had made its usual allegations against Turkey with regard to the question of Cyprus. The Third Committee was not the appropriate forum for discussing that political issue; however, her Government had to respond to what it considered as a distortion of the basic issues.

2. In 1963, three years after the Republic of Cyprus had been established, Greece had incited the Greek Cypriots to start a civil war in an attempt to destroy the constitutional order, massacre the Turkish population and divide the island. There had been unrestrained violations of the human rights of the Turkish Cypriots, including their right to life. The former Prime Minister of Greece, in his book Democracy at Gunpoint, recalled that in 1964 Greece had clandestinely sent an army of 20,000 soldiers to Cyprus with a view to annexing it. In that same year, the United Nations had sent peace-keeping forces to Cyprus to save the Turkish Cypriots from extermination. Those forces were still there and Greece was largely responsible for that. In July 1974, Greece had decided to pursue a final solution, namely, the annexation of Cyprus to Greece by means of a coup d'état. That plan had failed owing to the intervention of Turkey, acting as a guarantor under international treaties.

3. Greece had never taken any steps towards reconciling the two Cypriot populations. In fact, it had always supported the most nationalistic and extreme Greek Cypriot groups as they waged their unceasing campaign of hostility against the Turkish Cypriots. Her delegation regretted that Greece had

(Ms. Fertekligil, Turkey)

continued to use the same fruitless rhetoric for 30 years. Moreover, the provocative actions of the new Greek Government and the poorly-timed statements of its members were ominous signs.

4. If Greece sincerely wished to settle the Cyprus question, it would have to change its attitude drastically. It must accept that Cyprus was not a Greek island but the common homeland of Turkish and Greek Cypriots. It must give up its threatening attitude of confrontation, follow the voice of reason, and stop encouraging Greek Cypriot adventurism.

5. Turkey would continue to play its constructive role in promoting negotiations to arrive at a just and sustainable solution through the good offices of the Secretary-General.

6. Mr. KASOULIDES (Cyprus) said that it was a pleasure to hear the representative of Turkey exercising her right of reply for the first time during the current session. That was far better than circulating replies in the form of letters prepared by the illegal entity in the north of Cyprus, a practice which was an abuse of the privileges of a Member State and a waste of resources and which set a destructive precedent. He urged Turkey to put an end to that practice.

7. During the discussions in the Third Committee, he had been astonished to hear Turkey calling for the preservation of the territorial integrity of sovereign States, condemning other States as aggressors, protesting the violation of human rights in a particular country and calling for the implementation of United Nations resolutions. Paragraph 3 of Security Council resolution 550 (1984) called upon all States not to recognize the purported State of the "Turkish Republic of Northern Cyprus", set up by secessionist acts and called upon them not to facilitate or in any way assist the aforesaid secessionist entity. Yet, nearly 10 years later, while refusing to abide by United Nations resolutions concerning Cyprus, Turkey was urging other States to implement them.

8. It was simple to distort history, as the representative of Turkey had just done. In 1965, the United Nations had warned that Turkey had been intentionally using disturbances on Cyprus to separate the two communities and annex Cyprus. Almost 30 years later, and with more than half of the island's population uprooted, Turkey was bringing Greek Cypriot atrocities to the attention of the Committee. That was surely a supreme irony.

9. The aggressor's strategy was to ridicule the victim's statements and hope that the international community would grow weary of the entire issue. But the international community did not forget blatant violations of the code of civilized behaviour. The Secretary-General had recently observed that the status quo in Cyprus, which the Security Council had deemed unacceptable, had been established through the use of force, was sustained by military strength, and was not viable in the long term. Turkey should not assume that the international community would, in time, tire of its struggle for justice and freedom.

10. Mr. VASSILAKIS (Greece) said that, in its statement at the previous meeting, his Government had presented only indisputable facts and for that reason the Turkish Government had not refuted them. In its comments on the policy of the Greek Government, Turkey had misquoted his Government or taken its statements out of context. Greece had repeatedly expressed its willingness to cooperate on the basis of universally accepted principles of respect for human rights and the withdrawal of the Turkish occupation troops from Cyprus. He reiterated his appeal to Turkey to review its policy in the light of friendly relations between neighbours.

11. The CHAIRMAN said that the Committee had concluded its general discussion on items 114, 115 and 172.

Draft resolution A/C.3/48/L.36/Rev.1

12. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.36/Rev.1, entitled "Situation of human rights in Cuba", and said that it had no programme budget implications. He noted that a recorded vote had been requested.

Statements in explanation of vote before the voting

13. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the vote to be taken on draft resolution A/C.3/48/L.36/Rev.1 would conclude a new chapter in the sad history of the unfair and arbitrary attempts of the Government of the United States to indict Cuba. The United States authorities had used manipulation and pressure which had led to the appointment of a Special Rapporteur for Cuba and the adoption of resolutions critical of his country in both the General Assembly and the Commission on Human Rights.

14. All delegations, including those which had sponsored the draft resolution and those which would vote in favour of it, were aware of the arbitrary acts that had brought the situation to its current stage. Everyone knew that the so-called human rights situation in Cuba was part of the campaign of aggression that the Government of the United States had been waging for decades for the purpose of achieving, through external strangulation and subversion of the institutional order, the end of Cuba as an independent country.

15. The facts spoke for themselves. The Special Rapporteur's interim report (A/48/562) clearly showed the unfairness of applying such discriminatory measures to Cuba. The Special Rapporteur had not been able to demonstrate massive and flagrant violations of human rights in Cuba and, in an attempt to justify his mandate, had turned to questioning Cuba's legitimate political and legal structure.

16. It was appalling that the United Nations, in spite of its Charter, continued to endorse such flagrant manipulation of a sovereign Member State. It was a disgrace that the Third Committee did not firmly condemn the United States Government's policy of aggression against Cuba and, in particular, its economic,

(Mr. Fernández Palacios, Cuba)

commercial and financial blockade, which had caused great suffering. That policy was clearly a massive and flagrant violation of human rights. It could only diminish the Organization's credibility. It also sent an ambiguous message to the United States, encouraging it to continue its abusive policy, and served to increase opposition to the intolerable practice followed by some States of turning the United Nations into an instrument of their foreign policy.

17. The Committee should refuse to adopt the draft resolution, as it would with any other draft resolution which endorsed discriminatory treatment.

18. Regardless of the outcome of the vote, his country would continue to cooperate with the United Nations in the area of human rights through the use of non-discriminatory mechanisms. It would continue its struggle for the welfare of mankind, for an improved standard of living for its own people and for the full dignity of man.

19. Ms. AL-HAMAMI (Yemen) said that draft resolutions dealing with the situation of human rights in specific countries served the interests of some countries at the expense of others.

20. Yemen's foreign policy reflected its domestic policy, under which the population enjoyed the full range of human rights. It accordingly denounced all violations of human rights wherever they occurred. Nevertheless, the question of human rights had in certain cases been politicized in order to serve the purposes of some countries. Dealing with those issues in a selective manner was contrary to the principle of respect for human rights.

21. For those reasons, her delegation would abstain on any draft resolution referring to the human rights situation in specific countries, with the exception of texts adopted by consensus.

22. Mr. SREENIVASAN (India) said that the recent World Conference on Human Rights had marked a new era of cooperation in the field of human rights. The Conference participants had engaged in a search for solutions rather than in fault-finding. As a result, they had been able to reach consensus not only on a philosophy of human rights but also on a programme of action.

23. Against that background, it might be asked whether it was fair to single out certain countries for their alleged omissions or acts in the area of human rights. In his view, the international community should strive to assist rather than accuse and to counsel rather than condemn countries which, for whatever reason, had difficulties guaranteeing the full enjoyment of human rights.

24. The international community should certainly not turn a blind eye to violations of human rights; he was convinced that it would act by consensus when faced by serious violations. However, there were cases where opinions were divided and where both sides failed to receive equal attention. When several

(Mr. Sreenivasan, India)

countries joined together to criticize another country on its human rights record, the issue moved into the political realm. His own country had been the victim in 1993 of cynical attempts to question its human rights record in order to serve the political purposes of another country.

25. His country could only endorse draft resolutions concerning human rights violations in a specific country when such resolutions were based on consensus. Unless the entire international community was convinced that a draft resolution of that nature was warranted, his country did not want to associate itself with such an action.

26. A recorded vote was taken.

In favour: Albania, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Democratic People's Republic of Korea, Ghana, India, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Colombia, Côte d'Ivoire, Dominican Republic, Egypt, El Salvador, Ethiopia, Guyana, Indonesia, Jamaica, Kazakhstan, Kenya, Lesotho, Liechtenstein, Maldives, Mali, Mauritania, Mexico, Mozambique, Nigeria, Pakistan, Papua New Guinea, Peru, Rwanda, Sierra Leone, Solomon Islands,

Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Ukraine, Venezuela.

27. The draft resolution was adopted by 62 votes to 18, with 52 abstentions.*

28. Mr. SERGIWA (Libyan Arab Jamahiriya), speaking in explanation of vote, said that human rights issues should be dealt with through constructive dialogue rather than being used as political instruments. In view of the politicization of the draft resolution just adopted, and since there were no massive violations of human rights in Cuba, his delegation had voted against the draft resolution. His country was, of course, opposed to human rights violations, and supported the international community's efforts to strengthen respect for human rights. However, those efforts must be carried out in an impartial manner.

29. Mr. BLACKMAN (Barbados) said that, since its independence, his country had zealously guarded its democratic institutions and principles, which included strict respect for human rights. It strictly adhered to the principle of the rule of law, was fully committed to the Charter and the Universal Declaration of Human Rights, and firmly opposed all violations of human rights.

30. Barbados endorsed the principles of the universality and indivisibility of human rights and the interdependence between democracy, development and human rights. It therefore welcomed the reaffirmation of those principles in the Vienna Declaration and Programme of Action, which underscored the importance of all human rights. In that connection, his country considered it essential for human rights to be promoted and protected in a comprehensive, objective and non-selective manner. No right or set of rights should be given priority over any other.

31. The draft resolution just adopted was not a balanced text, and did not fully reflect the conclusions of the Special Rapporteur. The text gave priority to civil and political rights and ignored social, economic and cultural rights. The historical context also made the issue treated in the draft resolution difficult to resolve. His delegation had accordingly abstained in the voting.

32. Mr. MAZLAN (Malaysia) said that his delegation had voted against the draft resolution. While presenting concerns about the situation of human rights in Cuba, the Special Rapporteur's report had also indicated that there had been several positive developments. Although the report had suggested ways to improve the human rights situation in Cuba, the draft resolution completely ignored those suggestions, resulting in an unbalanced and unfair text.

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* The delegations of Liechtenstein and Andorra subsequently informed the Secretariat that they had intended to vote in favour; the delegation of the United Republic of Tanzania that, had it been present during the voting, it would have voted against; and the delegations of the Philippines and the Bahamas, that they had intended to abstain.

33. Mr. ANDRIAKA (Ukraine) said that his delegation had abstained in the voting. It recognized Cuba's achievements in the areas of economic, social and cultural rights, which were interrelated with civil and political rights. The blockade against Cuba also influenced the human rights situation.

34. He fully shared the Special Rapporteurs view that the most constructive way to improve the human rights situation in Cuba would be to eliminate as rapidly as possible the vestiges of the cold war as they related to Cuba, while endeavouring to help it return to the regional and world system of cooperation and peaceful settlement of conflict. According to the Special Rapporteur, a few tentative steps had been taken towards increasing confidence between Cuba and its neighbours, which might have a positive impact on human rights.

Draft resolution A/C.3/48/L.39/Rev.1

35. The CHAIRMAN, drawing attention to draft resolution A/C.3/48/L.39/Rev.1, entitled "Need to adopt efficient international measures for the prevention of the sale of children, child prostitution and child pornography", said that the draft resolution had no programme budget implications.

36. Ms. MURUGESAN (India) said that her country wished to become a sponsor of the draft resolution.

37. The draft resolution was adopted.

38. Ms. FOSTIER (Belgium), speaking in explanation of position on behalf of the European Union, said that the Union fully endorsed the philosophy and general orientation of the draft resolution, which would help to strengthen the system for protecting children who were victims of abhorrent practices. In that connection, the Vienna Declaration and Plan of Action had suggested measures that might be taken to guarantee the rights of children and to ensure to them their rightful place in society.

39. The European Union found it difficult to endorse the contents of paragraph 6, which dealt with a possible draft convention. The Convention on the Rights of the Child, which had already been ratified by a considerable number of countries, could provide States with guidelines for the enactment of legislative measures and the elaboration of policy. Governments should devote their energies to implementing the Convention at the national and international levels rather than embarking on the complex process of elaborating a new convention. The Union was in favour of increasing coordination among the United Nations bodies dealing with human rights, and recalled the guiding principles concerning the elaboration of new instruments set forth in General Assembly resolution 41/120. The Union also had reservations with regard to paragraph 9 of the draft resolution.

40. Mr. KESSEL (Canada) said that, while it strongly supported the thrust of the draft resolution, his country had some concerns regarding paragraph 6. In its view, adequate legal norms already existed in the Convention on the Rights of the Child and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

41. Mr. KUEHL (United States of America) said that his Government fully supported measures to protect and promote the rights of children, including the right to life and the right to be protected from slavery, prostitution and purveyors of child pornography. It was reviewing the Convention on the Rights of the Child to see how it compared with existing national law on that matter. It endorsed the work of the Special Rapporteur and would continue to provide any relevant information that was requested.

42. However, his Government rejected as completely unsubstantiated any implication that parts of babies, including their organs, were being bought and sold. It had therefore only reluctantly joined the consensus on the draft resolution.

43. Mr. ASAHI (Japan) said that he agreed with the statements of Belgium, Canada and the United States.

Draft resolution A/C.3/48/L.42 and proposed amendments thereto as contained in document A/C.3/48/L.52

44. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.42, entitled "Human rights and terrorism", and drew its attention to the amendments proposed by Pakistan in document A/C.3/48/L.52. He said that there were no programme budget implications.

45. Mr. JAAFARI (Syrian Arab Republic) said that, although his delegation had profound reservations about the manner in which the Third Committee had politicized the important subject of human rights, it would respect the wishes of the sponsors of the draft resolution if the majority was in favour. It proposed, however, that the sponsors should accept amendment I submitted by the delegation of Pakistan, which referred to the principles enumerated in General Assembly resolution 46/51. In that way the juridical aspect would protect the political.

46. Mr. S. A. KHAN (Pakistan) said that, in the expectation that the Syrian proposal would be acceptable to all parties, his delegation withdrew document A/C.3/48/L.52.

47. Mr. BURCUOĞLU (Turkey) said that his delegation wished to consult with the other sponsors to see if the new wording would be acceptable to them, and asked that a decision on its adoption could be deferred until the next meeting.

48. The CHAIRMAN said that action would be deferred on the draft resolution to allow time for consultations.

Draft resolution A/C.3/48/L.43

49. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.43, on alternative approaches for improving the enjoyment of human rights, and said that it had no programme budget implications.

50. A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Ghana, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belarus, Bolivia, Bosnia and Herzegovina, Cambodia, Estonia, Fiji, Georgia, Kazakhstan, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Panama, Republic of Korea, Russian Federation, Slovakia, Slovenia, Turkey.

51. The draft resolution was adopted by 99 votes to 36, with 20 abstentions.*

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* The delegations of Bolivia and the Gambia subsequently informed the Secretariat that they had intended to vote in favour, the delegation of Ukraine, that it had intended to abstain.

52. Ms. FOSTIER (Belgium), speaking in explanation of vote on behalf of the European Union, said that the Union had closely examined the draft resolution and had decided to vote against it because, in many paragraphs, both structure and content departed from the balanced formulations adopted in the Vienna Declaration and Programme of Action and the recommendations in that document regarding the future work of United Nations bodies in the area of human rights. The failure of the draft resolution to mention the universal nature of human rights and the European Union's rejection of the concept of conditionality were among the problems that prevented it from supporting the draft resolution. States could indeed legitimately insist that cooperation in the area of development should take fully into account the promotion and protection of human rights: the European Union attached great importance to the close relationship among human rights, democracy and development which was the basis of its policy with regard to cooperation for development.

53. Ms. ARIAS (Colombia) said that, as in previous years, her delegation had voted in favour of the draft resolution in question because of the contribution it made towards achieving full enjoyment of human rights. But Colombia nevertheless deemed that, if a draft resolution on the issue were submitted at the following session, it should take into account the transformations that had occurred in the area of human rights in recent years, including especially the World Conference on Human Rights and the resulting Vienna Declaration and Programme of Action, and should work to identify those human rights mechanisms within the United Nations system where improvement was needed.

54. Ms. LAHNALAMPI (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the wording of certain preambular and operative paragraphs had contributed to their decision to vote against the draft resolution in spite of their support for its general thrust. The Nordic countries deemed that the respect for human rights and the promotion of democratic processes were prerequisites for socially sustainable development and that, therefore, their allocation of development assistance was influenced by the human rights policies of recipient countries.

Draft resolution A/C.3/48/L.44

55. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.44, entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", and said that it had no programme-budget implications. He reminded the Committee that the tenth preambular paragraph had been orally revised to read "Recalling its resolutions in this regard, in particular resolution 47/130 of 18 December 1992".

56. A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of

Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Gambia, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Tajikistan, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belize, Bolivia, Chile, Costa Rica, El Salvador, Fiji, Georgia, Guyana, Jamaica, Micronesia (Federated States of), Nicaragua, Paraguay, Philippines, Samoa, Solomon Islands, Turkmenistan, Uruguay, Zambia.

57. The draft resolution, as orally revised, was adopted by 86 votes to 52, with 18 abstentions.*

58. Mr. NIETO (Argentina), speaking in explanation of vote, said that his delegation had voted against the draft resolution because it deemed that the use of quotations from the Charter of the United Nations out of their proper context could call into question certain initiatives undertaken for the good of the international community as a whole. Since electoral assistance had been provided only at the request of interested parties, Argentina failed to understand how the principle of non-interference and sovereign equality could be evoked in that context.

59. Ms. FOSTIER (Belgium), speaking on behalf of the European Union, said that it had decided to vote against the draft resolution, as it had the previous year with regard to a similar proposal, because it objected to any selective use of

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* The delegation of Guyana subsequently informed the Secretariat that it had intended to vote in favour; and the delegation of Belarus, that it had intended to vote against.

(Ms. Fostier, Belgium)

the Charter, and seriously doubted the advisability of considering a controversial draft resolution on an agenda item that was usually addressed in a spirit of cooperation. It regretted as well that the document had not taken into account the results of the Vienna Conference.

60. The European Union deemed that draft resolution A/C.3/48/L.44 could not be seen as a valuable contribution to the conduct of periodic and genuine elections. Reiterating its commitment to the Charter principles to which the draft resolution referred, the European Union stated that it opposed any and every use of that instrument to justify any denial of the right to hold free and democratic elections. Indeed, Articles 55 and 56 of the Charter addressed the issue of human rights directly, stipulating that the United Nations would promote universal respect for, and observance of, those rights without distinction as to race, sex, language or religion, and that all members pledge themselves to take joint and separate action in cooperation with the Organization to that end.

61. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had abstained for reasons similar to those of Argentina. In its view, the draft resolution did not contribute to the strengthening of efforts to hold free periodic elections. On the other hand, draft resolution A/C.3/48/L.55, of which Costa Rica was a sponsor, contributed to those efforts.

62. Mr. MAQUIEIRA (Chile) said that his country had abstained because a selective quote had been taken from the Charter of the United Nations which could affect not only the matter in question but other resolutions as well. In its view, the draft resolution could constrain the provision of electoral assistance.

Draft resolution A/C.3/48/L.45

63. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.45, entitled "Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity", and said that it had no programme-budget implication. He reminded the Committee that a minor drafting change had been made in paragraph 6.

64. Mr. GHAFOORZAI (Afghanistan) stated that his country wished to join as a sponsor of draft resolution A/C.3/48/L.45.

65. Ms. SILVERA (Cuba) said that Cuba also wished to co-sponsor that draft resolution.

66. The draft resolution was adopted.

67. Mr. MAQUIEIRA (Chile), speaking in explanation of position, said that his country had joined the consensus on the understanding that the principle of non-selectivity must not in any way limit the role of the United Nations human rights system with regard to countries where grave human rights violations was occurring.

68. Ms. STROM (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that they had joined the consensus on the draft resolution on the understanding that neither the draft resolution as a whole, nor any part of it, should be interpreted as implying that action taken for the promotion or protection of human rights could be considered as interference in the internal affairs of a State, and that, on the contrary, the promotion of universal respect for, and observance of, human rights and fundamental freedoms was an obligation undertaken by Member States under the Charter. In order to improve United Nations activities in the field of human rights, it was of paramount importance to enhance the efficiency of the Commission on Human Rights, and in particular its monetary mechanisms.

69. Mrs. CASTRO de BARISH (Costa Rica) said that her country had joined the consensus for the same reasons as had Chile and Sweden.

Draft resolution A/C.3/48/L.46

70. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.46, entitled "United Nations year for tolerance", and said that it had no programme budget implications.

71. The draft resolution was adopted.

Draft resolution A/C.3/48/L.47

72. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.47, entitled "Human rights education decade", and said that it had no programme-budget implications.

73. Mrs. CASTRO de BARISH (Costa Rica), speaking on behalf of the sponsors, said that paragraph 4 should be revised to read: "Requests the Commission on Human Rights, in cooperation with member States, human rights treaty-monitoring bodies and appropriate bodies and appropriate non-governmental organizations, to consider proposals for a United Nations decade for human rights education, and for these proposals, to be composed by the Secretary-General into a plan of action for such a decade, to be submitted, through the Economic and Social Council, to the General Assembly at its forty-ninth session for the proclamation of a decade for human rights education;".

74. Ms. SEMAFUMU (Uganda) and Mr. KASOULIDES (Cyprus) said that they wished to join the sponsors of the draft resolution.

75. Mr. De BARROS (Secretary of the Committee) said that, in the fifth preambular paragraph, after "strata of society", the words "such as children, women, youths, persons with disabilities, the ageing, indigenous people, minorities and other groups" should be inserted.

76. Mrs. CASTRO de BARISH (Costa Rica) said that the changes indicated by the Secretariat should be made to the fourth and not the fifth preambular paragraph.

77. Mr. LINDGREN (Brazil), supported by Mr. KUEHL (United States of America), said that the English version of the fourth preambular paragraph should read "indigenous people", rather than "peoples".

78. Mr. ROSENBERG (Ecuador), supported by Ms. ESPINOSA (Mexico) and Ms. TERRAZAS (Bolivia), suggested a drafting change in the Spanish version of the fourth preambular paragraph.

79. Mr. MAUBERT (France) asked that the expression "persons belonging to minorities" be used in the draft resolution when referring to minorities.

80. Mrs. CASTRO de BARISH (Costa Rica) said that the sponsors accepted the suggestions made by the representatives of France and Ecuador.

81. The draft resolution, as orally revised, was adopted.

Draft resolution A/C.3/48/L.48

82. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.48, entitled "Elimination of all forms of religious intolerance", and said that it had no programme-budget implications. He recalled that the French and Spanish versions of paragraph 4 would be aligned with the English text.

83. Mr. SUAZO FERNANDEZ (Honduras) said that his delegation wished to join the sponsors.

84. The draft resolution was adopted.

Draft resolution A/C.3/48/L.50

85. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.50, entitled "Right to development", and said that it had no programme-budget implications.

86. The draft resolution was adopted.

87. Mr. BOUBACAR (Niger) said that his delegation wished to join the sponsors of draft resolution A/C.3/48/L.50.

88. Mr. KUEHL (United States of America) said that, while his delegation had joined the consensus, it believed that paragraphs 3 and 4 were duplicative and would have preferred to delete one of them.

Draft resolution A/C.3/48/L.51/Rev.1

89. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.51/Rev.1, entitled "Rape and abuse of women in the former Yugoslavia", and said that it had no programme-budget implications.

90. Mr. S. A. KHAN (Pakistan) said that the sponsors had made several changes to the text of the draft resolution. The title should be amended to read: "Rape and abuse of women in the areas of the armed conflict in the former Yugoslavia". In the thirteenth preambular paragraph, the words "where appropriate", should be inserted after "International Tribunal". In the fourteenth preambular paragraph, the words "and compensation" should be deleted. In paragraph 9, after the words "in particular", the word "in" should be deleted. Finally, in paragraph 10, the word "Determines" should be replaced by "Declares".

91. He said that, as a result of those revisions, a number of countries had joined the sponsors, namely, the countries of the European Union: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom; four of the Nordic countries: Sweden, Norway, Finland and Iceland; the United States and Oman.

92. The CHAIRMAN said that the following countries had also asked to join the sponsors: Andorra, Austria, Australia, Azerbaijan, Bolivia, Cambodia, Canada, the Gambia, Georgia, Guatemala, Guinea, Honduras, Iraq, Israel, Japan, Kuwait, Liechtenstein, Nepal, New Zealand, Nicaragua, Peru, the Philippines, Rwanda, San Marino, Slovenia, Solomon Islands, Ukraine and Uruguay.

93. The draft resolution, as orally revised, was adopted.

94. Ms. MURUGESAN (India), speaking in explanation of vote, said that her delegation had joined the consensus on the draft resolution since India had always strongly condemned "ethnic cleansing" and the rape and abuse of women irrespective of the parties who committed those crimes. However, it was surprised that the text had made reference only to one particular group as having committed the crimes of rape and abuse of women.

95. The European Community's reports to the Security Council had stated that sexual crimes were not confined to any particular nationality, although in Bosnia and Herzegovina Muslim women had formed the vast majority of rape victims. Perpetrators of heinous crimes should be brought to justice irrespective of their nationality. The condemnation of only one particular group or nationality in the draft resolution did not serve the cause of justice.

96. Mr. SACIRBEY (Bosnia and Herzegovina) pointed out that the party most responsible for using rape as a policy in Bosnia and Herzegovina was the Serbian party.

Draft resolution A/C.3/48/L.55

97. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.55, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", and said that a recorded vote had been requested on paragraphs 3 and 4 and on the draft resolution as a whole.

Statements in explanation of vote before the voting

98. Mr. FERNÁNDEZ PALACIO (Cuba), said that his delegation would vote against draft resolution A/C.3/48/L.55.

99. The Secretariat had no right to judge the electoral process of Member States, which were solely responsible for their own political systems. The United Nations must limit itself to providing whatever assistance was requested.

100. The United Nations did not have the right or the authority to monitor the political institutions of States or to guide States in the development of such institutions under the pretext of granting electoral assistance or any other pretext.

101. Paragraphs 3 and 4, which were included for the first time in a draft resolution on the subject, were aimed at making the United Nations unit for electoral assistance into an instrument of political interference and ideological influence in States that requested electoral assistance.

102. The guidelines mentioned in paragraph 10 had not yet been considered or adopted by the Member States and came within the purview of the Third Committee. It was the tenets of draft resolution A/C.3/48/L.55 that had caused Cuba to maintain its sponsorship of draft resolution A/C.3/48/L.44, which had been adopted earlier.

103. Mr. LIEU Zhenmin (China) said that elections constituted an internal affair of a State. Under the Charter, the United Nations was not mandated to involve itself in such matters, although under certain circumstances the United Nations could play a role. While China respected the wishes of some States for electoral assistance, the draft overemphasized the role of the United Nations both before and after elections and that might get the Organization excessively involved in the internal affairs of States.

104. When General Assembly resolution 46/137 had been adopted, a number of countries had expressed reservations about the designated focal point. Moreover, at the time of the adoption of resolution 47/138, a number of Member States had expressed strong views concerning the establishment of the Electoral Assistance Unit by the Secretary-General without full prior consultations. Draft resolution A/C.3/48/L.55 went even further by referring to the dispatch of needs-assessment missions both before and after elections. Such new mechanisms and practices went beyond not only the scope of electoral assistance but also the mandate of the General Assembly. In view of that, his delegation would vote against paragraphs 3 and 4 of the draft resolution. In providing electoral assistance at the request of Member States, the United Nations should strictly

(Mr. Lieu Zhenmin, China)

abide by the Charter, respect their sovereign rights and refrain from interfering in their internal affairs.

105. Mr. KUEHL (United States of America), speaking as a principal sponsor of the draft resolution, said that paragraphs 3 and 4 had been based on paragraphs 59 and 60 and paragraph 54, respectively, of the Secretary-General's report (A/48/590). He urged Member States to follow the Secretary-General's recommendations by voting in favour of the draft resolution.

106. Mr. FERNÁNDEZ PALACIOS (Cuba), speaking on a point of order, said that no sponsors could explain their vote or make any reference to changes in a text immediately prior to a vote on a draft resolution.

107. Mr. SEDLÁK (Slovakia) said that his delegation wished to join the sponsors of the draft resolution.

108. A recorded vote was taken on paragraph 3 of the draft resolution.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Zaire, Zambia, Zimbabwe.

Against: China, Cuba, Democratic People's Republic of Korea, Iraq, Myanmar.

Abstaining: Djibouti, El Salvador, Fiji, Guinea-Bissau, Honduras, Malaysia, Philippines, Solomon Islands, Sudan, Syrian Arab Republic, Thailand, Uganda, Viet Nam.

109. Paragraph 3 of the draft resolution was adopted by 129 votes to 5, with 13 abstentions.

110. A recorded vote was taken on paragraph 4 of the draft resolution.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Zaire, Zambia, Zimbabwe.

Against: China, Cuba, Democratic People's Republic of Korea, Iraq, Myanmar.

Abstaining: Djibouti, El Salvador, Fiji, Guinea, Honduras, Lesotho, Malaysia, Philippines, Solomon Islands, Sudan, Syrian Arab Republic, Thailand, Uganda, Viet Nam.

111. Paragraph 4 of the draft resolution was adopted by 129 votes to 5, with 14 abstentions.

112. A recorded vote was taken on the draft resolution as a whole.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria,

Burkina Faso, Cambodia, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Zaire, Zambia.

Against: Cuba.

Abstaining: China, Democratic People's Republic of Korea, El Salvador, Fiji, Iraq, Myanmar, Namibia, Philippines, Solomon Islands, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

113. The draft resolution as a whole was adopted by 138 votes to 1, with 15 abstentions.*

114. Mr. MUCH (Germany) said that his country wished to join the sponsors of the draft resolution.

Draft resolution A/C.3/48/L.56

115. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.56, entitled "Strengthening of the rule of law". He had been informed that Andorra, Belarus, Bolivia, Cambodia, Chad, Côte d'Ivoire, Denmark, the Dominican Republic, Guatemala, Guinea, Guinea-Bissau, Honduras, India, Japan, the Republic of Korea, Kyrgyzstan, the Republic of Moldova, Morocco,

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* The delegation of Cameroon subsequently informed the Secretariat that it had intended to vote in favour, but its vote had not been recorded.

(The Chairman)

Nepal, Nicaragua, Pakistan, the Philippines, Portugal, Samoa, the Sudan, Togo, Uganda and Uruguay had joined the sponsors.

116. The draft resolution was adopted.

Draft resolution A/C.3/48/L.57

117. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/48/L.57, entitled "Situation of human rights in Iraq", and said that a recorded vote had been requested.

118. Mr. AL-DOURI (Iraq), speaking in explanation of vote before the voting, said that the draft resolution was based on fabricated facts. The United States and some European countries were seeking, through the Special Rapporteur, to use the issue of human rights to try to "convict" Iraq. They had even gone as far as to threaten some Member States. The Third Committee had become a political forum and not one for useful discussions on human rights. Iraq did not have control over the region of Kurdistan. The sponsors of the draft resolution were fully aware that allegations of bombings and internal siege were totally false. Unfortunately, the distribution of food and rations in Kurdistan was controlled by local militias and not by the Government.

119. The Special Rapporteur was a blatant liar who had used the term "indigenous population of southern Iraq" and altered his words later after his ignorance of the peoples and ethnic communities in the area had been exposed. He was now trying to divide Iraq along sectarian lines after failing in his attempt to divide it along ethnic and racial lines, and had made baseless allegations about the use of chemical weapons. The lack of objectivity and ill will on the part of the Special Rapporteur were obvious. He was playing a game of international politics and providing misleading information culled from sources hostile to Iraq.

120. It was ridiculous to believe that Iraq, which had been subjected to an illegal economic embargo for three years, could violate the economic rights of its own people. Everyone knew that the Iraqi Government was doing the wellnigh impossible to distribute food and clothing to its people. The facts were being distorted by the Special Rapporteur, the European countries and the United States. If the Special Rapporteur were objective and truly felt sympathy for the Iraqi people, he would have referred to the grave impact that the embargo had on human rights in Iraq. He was, on the contrary, calling for the implementation of political decisions that affected the hard-won sovereignty and independence of Iraq. The dispatch of human rights monitors to Iraq would constitute a violation of the principle of non-interference in the internal affairs of States. He urged all States to vote against the draft resolution.

121. A recorded vote was taken.

In favour: Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Against: Iraq, Sudan.

Abstaining: Algeria, Angola, Bangladesh, Benin, Brunei Darussalam, Cambodia, Cameroon, Chad, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, El Salvador, Fiji, Guinea, Guinea-Bissau, Indonesia, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nigeria, Pakistan, Papua New Guinea, Philippines, Sierra Leone, Solomon Islands, Sri Lanka, Thailand, Tunisia, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

122. The draft resolution was adopted by 105 votes to 2, with 41 abstentions.

The meeting rose at 1.05 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
53rd meeting
held on
Monday, 6 December 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/48/L.61 and A/C.3/48/L.67)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.42, A/C.3/48/L.49, A/C.3/48/L.60, A/C.3/48/L.63, A/C.3/48/L.64, A/C.3/48/L.66, A/C.3/48/L.69, A/C.3/48/L.71 and A/C.3/48/L.76)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/48/L.58, A/C.3/48/L.62/Rev.1, A/C.3/48/L.65/Rev.1, A/C.3/48/L.68/Rev.1, A/C.3/48/L.70, A/C.3/48/L.72, A/C.3/48/L.73, A/C.3/48/L.75)

Draft resolution A/C.3/48/L.58

1. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.58 entitled "Situation of human rights in the Islamic Republic of Iran" had no programme budget implications.

2. Mr. ISSA (Egypt) said that he had reservations about operative paragraphs 4 and 5 of the draft resolution. Justice should be administered within the framework of respect for the religious and cultural values of the society in question. His delegation would support the draft resolution on the basis of respect for human rights throughout the world.

3. Mr. SAHRAOUI (Algeria) said that he had some objections to operative paragraph 5 of the draft resolution. In relation to the case referred to in that paragraph, Algeria had already expressed its dissatisfaction with irreverent references which discredited the values of Islam. Freedom of expression and its corollaries formed part of the development of human civilization and the enrichment of the universal cultural heritage. Anything which had the result of promoting intolerance and division among human beings infringed upon the inviolability of conscience and convictions, and such fundamental human rights as freedom of expression. Algeria supported the universal condemnation of all forms of terrorism and believed that it was essential, in all circumstances, to preserve the sacred right to life, a concept that was inherent in the teachings of Islam and in the universal heritage of human rights.

4. A recorded vote was taken.

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Botswana, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt,

Finland, France, Gambia, Germany, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Russian Federation, Rwanda, Samoa, San Marino, Slovenia, Spain, Suriname, Swaziland, Sweden, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Afghanistan, Armenia, Azerbaijan, Bangladesh, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Pakistan, Qatar, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, Viet Nam.

Abstaining: Albania, Angola, Belarus, Benin, Bhutan, Bulgaria, Burkina Faso, Burundi, Colombia, Côte d'Ivoire, Cyprus, El Salvador, Fiji, Georgia, Ghana, Guinea-Bissau, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Maldives, Mali, Mauritania, Mozambique, Namibia, Niger, Nigeria, Papua New Guinea, Philippines, Poland, Republic of Korea, Republic of Moldova, Saudi Arabia, Sierra Leone, Singapore, Slovakia, Solomon Islands, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Uganda, Ukraine, United Republic of Tanzania, Zimbabwe.

5. Draft resolution A/C.3/48/L.58 was adopted by 68 votes to 22, with 45 abstentions.

6. Mrs. MBELLA NGOMBA (Cameroon) said that if her delegation had been present during the voting, it would have abstained.

7. Mr. ANDRIYAKA (Ukraine) said that his delegation had abstained in the vote because there was a clear lack of cooperation between the Islamic Republic of Iran and the United Nations in the area of human rights.

8. New strategies of cooperation must be found and an objective and transparent dialogue established in order to find appropriate solutions and implement United Nations recommendations on the subject.

9. Mr. SERGIWA (Libyan Arab Jamahiriya) said that the draft resolution was not well balanced because it had not taken into account either the information supplied by the Government of his country to the Special Rapporteur or Islamic law, which stipulated that capital punishment could be imposed in certain cases, for example, against drug traffickers, since that was not a violation of human rights, but a means of protecting society. It was clear that the political objective sought had been to undermine Iran's prestige, and his delegation had therefore voted against the draft resolution.

(Mr. Sergiwa, Libyan Arab Jamahiriya)

10. His delegation's vote should not be interpreted as acceptance of human rights violations in the world; however, it was necessary to be objective and neutral and to respect the religious and national characteristics of different countries.

11. Mr. ALI (Iraq) said that if it had been present during the voting, his delegation would have voted against the draft resolution.

Draft resolution A/C.3/48/L.60

12. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.60 entitled "International year for the World's Indigenous People 1993" had no programme budget implications and that Denmark had become a sponsor.

Draft resolution A/C.3/48/L.60 was adopted.

13. Ms. MURUGESAN (India) said that her delegation had joined in the consensus even though the situation referred to in the draft resolution was not universal. In some countries there were problems for historical reasons, but in most countries, as in India, there were entire populations which were indigenous. That situation should not be overlooked by a world organization such as the United Nations, particularly in its publications and in preparations for the International Decade of the World's Indigenous People. Furthermore, the exercise of rights by indigenous peoples should not be detrimental to the enjoyment by the other citizens of a country of their legitimate rights.

14. Mr. LINDGREN (Brazil) said that his delegation had been unable to sponsor the draft resolution because it had reservations about the language of the ninth preambular paragraph and of operative paragraph 11, which could prejudge important decisions still to be taken by the United Nations on that complex issue. Brazil would have preferred the formulations used in previous texts which had been approved by consensus.

Draft resolution A/C.3/48/L.61

15. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.61 entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" had no programme budget implications, and that Luxembourg, the Philippines and Slovakia had become sponsors of the draft resolution.

Draft resolution A/C.3/48/L.61 was adopted.

16. Mr. KUEHL (United States of America) said that, although his delegation had joined in the consensus, it did not fully support all the recommendations contained in the reports referred to in the draft resolution.

Draft resolution A/C.3/48/L.62/Rev.1

17. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.62/Rev.1 entitled "Situation of human rights in Somalia" had no programme budget implications.

18. He announced that Andorra, Canada, Ethiopia, Guinea, Japan, Luxembourg, the Netherlands, New Zealand, Sierra Leone, Slovakia and Spain had become sponsors of the draft resolution.

19. Mr. CHIREH (Djibouti) said that he wished to amend to the French text in order to bring it into line with the original English text. In the fifth preambular paragraph, the indefinite article "des" should be replaced by the definite article "les" before the phrases "organisations humanitaires", "organisations non gouvernamentales", "pays de la région" and "organisations régionales". Furthermore, a comma should be added after the word "gouvernamentales" in the last line of that paragraph.

Draft resolution A/C.3/48/L.62/Rev.1 was adopted without a vote.

20. Mrs. LIMJUCO (Philippines) said that, if the draft resolution had been put to a vote, her delegation would have abstained. The reason was that the existing mechanisms, with sufficient support, could carry out the functions which, it was hoped, the human rights monitors would discharge.

21. Mrs. SEMAFUMU (Uganda) said that, although her delegation had supported the draft resolution, she had reservations about paragraph 5 because she felt that it was premature.

22. Mr. ARDOURI (Iraq) said that, if the draft resolution had not been adopted by consensus, his delegation would have expressed reservations about paragraph 5.

23. Mr. YOUSIF (Sudan) said that the inclusion of paragraph 5 was premature and that the draft resolution did not take account of all the human rights offences and violations in Somalia.

Draft resolution A/C.3/48/L.63

24. The CHAIRMAN said that draft resolution A/C.3/48/L.63 entitled "National institutions for the promotion and protection of human rights" did not have programme budget implications. In addition, he pointed out that in the second line of the ninth preambular paragraph the phrase "emphasizing the universality, indivisibility and interdependence of all human rights," should be added after the words "national level".

25. Mrs. ARIAS (Colombia), Mrs. MBELLA-NGOMBA (Cameroon), Mr. CASTELLANOS-CARRILLO (Guatemala), Mrs. LIMJUCO (Philippines), Ms. DIOP (Senegal) and Ms. CORNETTE (Guyana) said that they wished to join the sponsors of the draft resolution.

26. The CHAIRMAN said that after the first line in paragraph 2 of the operative part of the English version, the word "development" should read "developing".

Draft resolution A/C.3/48/L.63, as orally amended, was adopted without a vote.

27. Mr. NERVIK (Norway), speaking on behalf of the five Nordic countries with regard to the draft resolution just adopted, said that while they considered that national institutions were highly important for the effective implementation of the universal principles of human rights, those countries regretted that their views had not been reflected in paragraph 6. The Voluntary Fund had primarily been established to support activities designed to build up or strengthen national and regional human rights infrastructures, and requests addressed to it had always been subject to specific guidelines.

28. The Nordic countries took it that the adoption of that draft resolution would imply that any requests in accordance with paragraph 6 would be tested on the same merits as other requests for technical assistance from the Fund. It was important to remember that the Fund's resources were limited and that it was essential to ensure a solid financial basis. As major donors to the Fund, the Nordic countries strongly stressed the need to follow established procedures in order to ensure the Fund's financial basis.

Draft resolution A/C.3/48/L.64

29. The CHAIRMAN said that the draft resolution entitled "Internally displaced persons" did not have programme budget implications. In addition, he pointed out that Angola, Canada, Ethiopia, Honduras, Peru, Rwanda and Slovakia wished to join its sponsors.

30. Draft resolution A/C.3/48/L.64 was adopted without a vote.

Draft resolution A/C.3/48/L.65/Rev.1

31. The CHAIRMAN said that draft resolution A/C.3/48/L.65/Rev.1, entitled "Situation of human rights in the Sudan", did not have programme budget implications. Canada and Honduras wished to join the sponsors.

32. Ms. KAMAL (Secretary of the Committee) said that the sponsors of draft resolution A/C.3/48/L.65/Rev.1 wished to include the following new operative paragraph after paragraph 1: "Takes note of paragraph 24 of the report of the Special Rapporteur for the Sudan (A/48/601), in which he states that 'The Government of the Sudan cooperated with the Special Rapporteur by arranging the meetings he had requested. ... The Government of the Sudan further facilitated visits to the locations the Special Rapporteur wished to see.'".

33. Mr. YOUSIF (Sudan) said that, although the productive and extensive consultations on the proposed amendment were a step in the right direction and while the paragraph just read out by the Secretary of the Committee was acceptable, his delegation would still vote against draft resolution A/C.3/48/L.65/Rev.1. His delegation had hoped that the second proposal, which took note of the agreements concluded between the Sudan, the United Nations and international non-governmental organizations, would also be accepted, which would have enhanced the humanitarian and relief situation in the most affected areas of his country.

34. He requested that a separate vote should be taken on the eleventh preambular paragraph, operative paragraph 12 and the paragraph just read out, which was to be inserted after paragraph 1.

35. Mr. TROTTIER (Canada) said that his delegation wished to join the sponsors.

36. Mrs. MBELLA NGOMBA (Cameroon) said that she would appreciate it if the representative of the Sudan explained, before the vote, whether he had requested a separate vote on those paragraphs because he was not in agreement with them or, for the opposite reason, since one of them, the new operative paragraph, had been proposed by his own delegation.

37. Mr. YOUSIF (Sudan) said that he had requested a separate vote because the paragraphs referred to reflected the real situation, which was not the case with regard to the other paragraphs in the draft resolution. The Sudan urged delegations to support those three paragraphs and vote against draft resolution A/C.3/48/L.65/Rev.1.

38. A recorded vote was taken on the eleventh preambular paragraph.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland,

Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

39. The eleventh preambular paragraph was adopted by 148 votes to none, with no abstentions.

40. A recorded vote was taken on paragraph 12.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Cuba, Chad, Chile, China, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Georgia, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Sao Tome and Principe, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: None.

41. Paragraph 12 was adopted by 148 votes to 0.

42. A recorded vote was taken on paragraph 1 (bis).

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Seychelles.

43. Paragraph 1 (bis) was adopted by 147 votes to 0, with 1 abstention.

44. A recorded vote was taken on draft resolution A/C.3/48/L.65/Rev.1.

In favour: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Chile, Colombia,

Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Saudi Arabia, Singapore, Slovakia, Slovenia, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zambia, Zimbabwe.

Against: China, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Angola, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cameroon, Chad, Côte d'Ivoire, El Salvador, Guinea-Bissau, Jamaica, Kenya, Lao People's Democratic Republic, Malaysia, Maldives, Mali, Mauritania, Mozambique, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia.

45. Draft resolution A/C.3/48/L.65/Rev.1 was adopted by 102 votes to 11, with 31 abstentions.

Draft resolution A/C.3/48/L.66

46. The CHAIRMAN said that the draft resolution, entitled "Plight of street children", had no programme budget implications, and that Afghanistan, Andorra, Cambodia, Guinea, Guinea-Bissau, Guyana, Honduras, India, Iraq, Jamaica, Monaco, Namibia, Nepal, Nicaragua, Niger, Pakistan, Republic of Moldova, Thailand, Togo and Uruguay had joined the list of sponsors.

47. Mr. PELUFO (Uruguay) said that his country had been an early supporter of the inclusion in the Third Committee's agenda of the item on the rights of children living under especially difficult circumstances, including armed conflicts; the resolutions to be adopted on that item would fill a gap in the General Assembly's agenda. For those reasons, Uruguay had joined the sponsors of the draft resolution.

48. Draft resolution A/C.3/48/L.66 was adopted.

Draft resolution A/C.3/48/L.67

49. The CHAIRMAN said that the draft resolution, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" had no programme budget implications, and that Guinea-Bissau, India, Senegal, Sudan and Sierra Leone had joined the list of sponsors.

50. Draft resolution A/C.3/48/L.67 was adopted.

51. Mr. HIZAWA (Japan), explaining his delegation's position on the draft resolution just adopted, which it endorsed, said that, none the less, Japan maintained its views concerning the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Draft resolution A/C.3/48/L.69

52. The CHAIRMAN said that the draft resolution, entitled "Human rights in the administration of justice", had no programme budget implications, and that Albania, Andorra, Nicaragua, Senegal and Uganda had joined the list of sponsors.

53. Draft resolution A/C.3/48/L.69 was adopted.

Draft resolution A/C.3/48/L.70

54. The CHAIRMAN said that the draft resolution, entitled "Situation of human rights in Myanmar", had no programme budget implications, and that Lithuania had joined the list of sponsors.

55. Mr. MIN (Myanmar) said that the draft resolution was totally unacceptable to his country. In the first place, it constituted a flagrant attempt to interfere in the internal affairs of Myanmar, in violation of the principle embodied in Article 2, paragraph 7, of the Charter of the United Nations and recognized in innumerable instruments and resolutions. In essence, the draft resolution was intended to dictate to Myanmar the manner in which it should handle its affairs. Secondly, both the spirit and the letter of the draft resolution ran counter to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights; in particular, it disregarded the principles of impartiality, objectivity and non-selectivity in the promotion of human rights world wide, which had been reaffirmed in the Vienna Declaration. Thirdly, it contained the most negative possible interpretation of the historic changes currently taking place in Myanmar, especially those relating to the National Convention, which his Government had convened with a view to fulfilling the aspirations of the people for a democratic State.

56. The seventh preambular paragraph and paragraphs 2 and 7 were based on unsubstantiated allegations of torture and summary and arbitrary executions which invariably emanated from anti-Government sources. His Government's detailed replies to those allegations were found in paragraph 26 of document A/48/578. As to the alleged "oppressive measures" taken against ethnic and religious minorities, his Government afforded equal treatment to all races and

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religions; he recalled that when Mrs. Sadako Ogata had visited Myanmar in 1990 as an independent expert appointed by the Chairman of the Commission on Human Rights, she had submitted reports stating categorically that, from the standpoint of religious tolerance, Myanmar could be regarded as a model society.

57. The sixth preambular paragraph and paragraphs 3 and 6 were nothing but an ill-disguised attempt to compel Myanmar to abandon its chosen path to democracy through the mechanism of the National Convention, and to transfer power to the representatives elected in 1990, whose mandate had not been to form a government, but to draft a new constitution. Such an attempt was not only tantamount to interference in the internal affairs of Myanmar, it also sowed dissent and division among the participants in the National Convention.

58. The eighth preambular paragraph and paragraph 14 disregarded many positive developments which had taken place in Myanmar in the past year and did not reflect the current situation in his country. His Government's national reconciliation policy had restored peace and tranquillity to 97 per cent of the country, thus greatly diminishing the number of citizens who crossed the border in search of temporary shelter.

59. As to paragraph 4, the Special Rapporteur had never stated, with regard to the National Convention, that no evident progress had been made towards turning over power to a freely elected civilian Government. What the Special Rapporteur had stated was that the composition, procedure and other measures taken in connection with the National Convention seemed to indicate that the constitutional process was not heading towards multi-party democracy as announced by the Government - an assessment which his delegation deemed to be wholly erroneous. The Special Rapporteur had emphasized that, since he had had no time to study carefully the information which he had gathered during his visit to Myanmar, his observations were still preliminary.

60. With regard to paragraph 5, he said that delegates to the National Convention included representatives of all the national races, representatives of the legally authorized political parties, members elected in the 1990 elections and people from all strata of Myanmar society. The procedure regarding the participation of delegates to the National Convention was reproduced in document A/48/578. With regard to the role to be played by the defence services in the future political life of the State, he stressed that since the time of the struggle for independence, the armed forces had always shouldered their responsibility of ensuring the non-disintegration of the Union and of national solidarity and the consolidation of national sovereignty. It would continue to do so in the future.

61. Paragraph 8 appealed to Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He reaffirmed that although not yet a party to the Covenants his country abided by all those

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provisions and principles which were taken from the Charter of the United Nations and the Universal Declaration of Human Rights.

62. Paragraph 10 claimed that recent sentences meted out to a number of people were harsh. Given the nature of the offences committed, details of which appeared in document A/48/578, paragraph 26, the sentences could in no way be considered harsh. As to paragraphs 11 and 12 of the draft resolution, it was the primary responsibility of every Government to uphold the rule of law and civil order in the country and, although a certain individual had been placed under restraint for infringing the law, hundreds of other people who no longer posed a threat to the security of the State had been released. The Government had been obliged to take legal action against some other people, including a few delegates to the National Convention, not because of their political beliefs but because their actions could have derailed the constitutional process. With regard to paragraph 15, Myanmar considered that it was for the Special Rapporteur of the Commission on Human Rights to deal with the portions of the draft concerning human rights and not for the Secretary-General.

63. Lastly, he said that in deference to the Chairman and to those countries which had shown goodwill towards Myanmar his delegation had decided not to ask for a vote on the draft resolution.

64. Mr. MARRERO (United States of America) said that his country joined the consensus to adopt draft resolution A/C.3/48/L.70, which contained important information on the deplorable human rights situation in Myanmar. One aspect of the situation was the problem of refugees from Arakan province, who languished in Bangladesh. He welcomed the agreement on a Memorandum of Understanding between the State Law and Order Restoration Council (SLORC) and the United Nations High Commissioner for Refugees. However, the United States believed that, strong though it was, the draft resolution should have requested the Secretary-General to use his good offices to promote a peaceful solution of the outstanding issues among all the parties concerned. His delegation favoured the appointment by the Secretary-General of a special envoy to supplement the fact-finding mandate of the Special Rapporteur; such an envoy would focus on resolving conflicts on the basis of national reconciliation and the restoration of democracy, which was the best hope for long-term stability in Myanmar.

65. It was crucial to recognize the direct link between the SLORC's military forces and the human rights violations in Myanmar. It was very regrettable that the resolution did not urge Member States to consider what policies they might adopt voluntarily to lessen the ability of the SLORC's military forces, bolstered by continuing arms purchases, to brutalize the religious and ethnic minorities and oppress the rest of the citizenry. The specialized agencies operating in Myanmar, which represented the last major source granting international assistance to the SLORC, should take special care to ensure that all the funds expended in that country reached the intended recipients and did not enrich the SLORC leaders or the military forces.

(Mr. Marrero, United States)

66. For all those reasons the United States delegation had not joined the list of sponsors of the draft resolution. The time had come for Myanmar's military rulers to put an end to human rights abuses, to implement the results of the 1990 election and to release unconditionally Aung San Suu Kyi and other political prisoners.

67. Draft resolution A/C.3/48/L.70 was adopted without a vote.

68. Mr. ASAHI (Japan) said that his delegation welcomed the adoption of the draft resolution, which clearly indicated the desired goals of achieving both respect for human rights and democratization in Myanmar. The Government of Japan hoped that the Government of Myanmar would take further measures to improve the human rights situation and urged it to continue to cooperate with the international community in response to the resolution.

Draft resolution A/C.3/48/L.71

69. The CHAIRMAN said that draft resolution A/C.3/48/L.71, entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities", had no programme budget implications. He announced that Costa Rica, Guinea-Bissau, Iceland, India, Kyrgyzstan, Latvia, Nepal, Senegal and the United States had joined the list of sponsors.

70. Draft resolution A/C.3/48/L.71 was adopted without a vote.

71. Ms. FERTEKLIGIL (Turkey) wished to reiterate her statement before the Committee regarding Turkey's position in relation to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

72. Mr. VOLSKI (Georgia) said that both the legislation of his country and the very origins of Georgian nationhood prevented any restrictions on the human rights of minorities. Problems arose when "dirty policies" began to dominate the situation. The communist regime was dead, but its heritage still created obstacles for the Republics which sought their independence. The draft resolution that had been adopted, of which Georgia had joined the list of sponsors, confirmed the principles of mutual understanding, patience and love which could help mankind to survive.

Draft resolution A/C.3/48/L.72

73. The CHAIRMAN said that the draft resolution, entitled "Human rights in Haiti", had no programme budget implications. He announced that the following new operative paragraph 11 had been added:

> "Deeply concerned by the increase in acts of violence and intimidation against the Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, which have contributed to the temporary withdrawal of the International Civilian Mission."

74. Mrs. Da SILVA (Venezuela) said that it was not a new operative paragraph, but should be inserted between the ninth and tenth preambular paragraphs.

75. The CHAIRMAN announced that Andorra, Belize, Cambodia and Honduras had joined the list of sponsors.

76. Mrs. Da SILVA (Venezuela) said that since Haiti was not mentioned among the sponsors she wished to put on record that Haiti had signed the original list of sponsors and that the omission had been only drawn to the attention of the Secretariat.

77. Draft resolution A/C.3/48/L.72 was adopted without a vote.

78. Mrs. ROMULUS (Haiti) said that her delegation wished to give special thanks to the Venezuelan delegation for its continuing interest in Haiti's cause, and hoped that the national sectors concerned, political leaders and the international community would not only adopt, but also implement the principles which they claimed to have always fought for, since in the final years of the twentieth century no people should have to live indefinitely under tyranny and injustice, in ignorance and poverty.

Draft resolution A/C.3/48/L.73

79. The CHAIRMAN said that the draft resolution entitled "Situation of human rights in Afghanistan" did not have any programme budget implications. He recalled that an oral amendment had been made to paragraph 10 and that the words "and in particular" had been inserted in the prepenultimate line after the words "as well as".

80. Draft resolution A/C.3/48/L.73 as orally amended was adopted.

81. Mr. GHAFOORZAI (Afghanistan) said that his delegation wished to state that the Islamic State of Afghanistan appreciated the concern and endeavours of Mr. Ermacora who for quite a number of years had been striving to report on the situation of human rights in Afghanistan. The Islamic State of Afghanistan had provided all necessary assistance to Professor Ermacora in the discharge of his mandate and would continue to do so until such time as the Organization decided that such efforts were no longer necessary and therefore terminated his mandate. His delegation regretted nevertheless that some of the information he had obtained was based on isolated reports which had not been confirmed or corroborated by an exhaustive investigation.

82. The Islamic State of Afghanistan was prepared to cooperate with the countries concerned, in a spirit of good will and mutual trust, in order to resolve the humanitarian question relating to prisoners of war and persons missing as a result of war, as referred to in the report.

Draft resolution A/C.3/48/L.75

83. The CHAIRMAN said that draft resolution A/C.3/48/L.75 entitled "Situation of human rights in Cambodia" had no programme budget implications. He announced that New Zealand, Canada and Uruguay had joined the sponsors. He recalled that the text had been orally amended, thus the words "article 5 of Part III of the" would be deleted from the fifth preambular paragraph and in the first line of paragraph 4 the words "from existing funds" would be inserted after the words "necessary resources".

84. Mr. FENN (United Kingdom) said that his country would join the sponsors of draft resolution A/C.3/48/L.75.

85. The draft resolution, as orally amended, was adopted.

Draft resolution A/C.3/48/L.76

86. The CHAIRMAN said that draft resolution A/C.3/48/L.76 entitled "Human rights and mass exoduses" had no programme budget implications and announced that Andorra had joined the sponsors.

87. Draft resolution A/C.3/48/L.76 was adopted.

88. Mrs. MURUGESAN (India) said that the wording of the draft resolution could have been more acceptable. It would have better reflected the current consensus if the text had referred to the Secretary-General's report in the context of resolution 47/120 B. She pointed out that the concept of "preventive diplomacy" was still linked to the maintenance of international peace and security, and that it would be premature to link it to the issue of protection of the flows of refugees without duly taking into account the possible repercussions. Although India had joined the consensus, its support should not be construed as an expression of support for expanding the role of the Office of the United Nations High Commission for Refugees which, in accordance with the principles of the Charter, should focus on the rehabilitation of refugees, and not on the factors causing exoduses of refugees which, as the resolution noted, might be "multiple and complex" and not altogether unconnected to the specific characteristics of each situation.

Draft resolution A/C.3/48/L.42

89. The CHAIRMAN said that draft resolution A/C.3/48/L.42 entitled "Human rights and terrorism", had no programme budget implications.

90. Mr. FERTEKLIGIL (Turkey) said that the sponsors of the amendments to the draft resolution which were contained in document A/C.3/48/L.52 had decided to withdraw them, on the clear understanding that the draft resolution was without prejudice, to the right of peoples under colonial or other forms of alien domination or foreign occupation to take any legitimate action in accordance with the United Nations Charter in order to realize their inalienable right to

(Mr. Fertekligil, Turkey)

self-determination. That should not be construed as authorizing or encouraging any action aimed at dismembering or impairing totally or in part the territorial integrity or political unity of independent States.

91. Mr. YOUSIF (Sudan) said that his delegation wished to join the sponsors of the draft resolution.

92. Mr. JAAFARI (Syrian Arab Republic) said that his delegation had tried to settle the differences between the views of the sponsors and those of other delegations and that his main concern had been to ensure that the text of the draft resolution was more balanced, with the aim of achieving a genuine consensus.

93. The statement made by the representative of Turkey recognized the difference between terrorism and the struggle of peoples to eliminate foreign occupation and their right to resort to legitimate actions in accordance with the United Nations Charter with a view to achieving self-determination. Furthermore, the Vienna Declaration stressed that denial of such a right constituted a violation of human rights, and General Assembly resolution 46/51 stated that it was possible to enhance the efficiency of the struggle against terrorism by arriving at a universally acceptable definition of international terrorism.

94. It was surprising that some of the sponsors of the draft resolution rejected the reference to international documents which had been adopted by consensus, and he hoped that that did not mean that resolutions adopted by consensus in the Committee were not to be relied on.

95. Mr HAHM (Republic of Korea) said that his delegation wished to join the sponsors of the draft resolution.

96. Mr. MARRERO (United States of America) said that while his delegation did not wish to stand in the way of the consensus, it felt that it would have been better to consider the resolution in the Sixth Committee.

97. Draft resolution A/C.3/48/L.42 was adopted.

98. Mrs. FOSTIER (Belgium), explaining her position on behalf of the European Union, said that the European Union would have preferred the question to have been examined in the Sixth Committee, since the most appropriate context for dealing with terrorism was the struggle against international crime.

99. The European Union condemned all acts of terrorism and believed that there were no circumstances - not even legitimacy of the desired goal - that justified resorting to terrorist violence. It was to be regretted that the sponsors of the draft resolution had not taken into account the proposals made by the European Union and that they had not drawn attention to the violations of the human rights of those who were themselves victims of terrorist acts.

100. Mrs. STROM (Sweden) said that her country supported the struggle against terrorism and that however contemptible the crimes committed by terrorists might be, it was correct to assert, as was done in the resolution, that they constituted violations of human rights, as those acts could not be attributed to States. In that respect, it was of the greatest importance that all States should observe norms relating to human rights when combating terrorism.

101. Mr. TROTIER (Canada) said that, although he had joined the consensus on the resolution, he believed that consideration of the issue in the Third Committee duplicated the work of the Sixth Committee.

102. Mr. KHAN (Pakistan) said that his delegation was resolutely opposed to terrorism in all its forms and agreed that there was a need for close international cooperation to prevent, combat and eliminate it. Pakistan, however, had consistently maintained that the draft resolution under consideration should in no way prejudice the right to self-determination, freedom and independence of peoples under colonial domination or foreign occupation, in accordance with the Charter of the United Nations, the relevant General Assembly resolutions, particularly resolution 46/51, and the statement adopted at the Summit meeting of the movement of non-aligned countries held in Jakarta in September 1992. While Pakistan would have liked a clearer enunciation of that principle, it had decided to join the consensus in view of the assurances provided in that respect by the sponsors.

103. Mr. ATASHI (Israel) said that his delegation had always felt that the question of terrorism, which had been considered for many years in the Sixth Committee, should continue to be dealt with in that body. Nevertheless, since the resolution contained many positive elements which Israel supported, it had decided to join the consensus.

Draft resolution A/C.3/48/L.65/Rev.1

104. Mr. AL-DOURI (Iraq) said that he had not been present during the vote on draft resolution A/C.3/48/L.65/Rev.1. The other member of his delegation had not had time to consider the text and had voted against the draft resolution. Nevertheless, Iraq's official position had been to vote in favour of it and he wished to have that reflected in the summary record.

105. Mr. YOUSIF (Sudan), speaking in explanation of vote after the vote, said that the three paragraphs adopted had been proposed by his Government, which had always cooperated with the Special Rapporteur and the United Nations machinery in the field of human rights.

106. The issue of human rights in the Sudan had been brought for the second time before the Committee at the insistence of certain countries. The situation of human rights in the Sudan did not justify the draft resolutions adopted or the measures taken by the General Assembly and the Commission on Human Rights. The Special Rapporteur had not presented a convincing case concerning human rights violations and, none the less, some countries had launched a campaign of vilification, which had been supported by other interests. Various measures had

(Mr. Yousif, Sudan)

been adopted to exert extreme pressure on the Sudan in order to force it to submit to certain policies. What was essentially a conflict of policies and views between the Sudan and other countries was cynically being projected as a human rights issues. If the international community wished to enjoy the confidence and support of small countries, multilateral institutions must act in an objective and unbiased manner free from selectivity in dealing with the issues of human rights, security and development. The means employed by the great Powers in addressing the question of human rights, which currently occupied a prominent place in international life, lacked balance and reflected the political and strategic interests of those Powers.

107. There were various non-coercive approaches open to the international community in pursuing the issue of human rights. The more advisable course was dialogue and persuasion, but that approach had not been followed in the case of the Sudan. The use of threats, coercion and economic strangulation, obstruction of the ongoing peace process and abuse of the United Nations machinery cast doubt on the Organization's objectivity and neutrality.

108. The Amnesty International Report 1993 contained numerous facts about the situation of human rights in some of the States that had sponsored draft resolution A/C.3/48/L.65/Rev.1 and a comparison between the various countries in that regard clearly favoured the Sudan. For all those reasons, his delegation had voted against the draft resolution.

109. Mr. SERGIWA (Libyan Arab Jamahiriya) said that draft resolution A/C.3/48/65/Rev.1 was based only on the political motivations of some countries that wished to isolate and exert pressure on the Sudan. His delegation had voted against the draft resolution because it was not balanced. Its vote should not be interpreted to mean that it supported the violation of human rights. In that regard, his country had always acted in accordance with the Universal Declaration of Human Rights and advocated constructive dialogue.

Draft resolution A/C.3/48/L.49

110. The CHAIRMAN drew attention to the draft resolution entitled "Strengthening of the Centre for Human Rights of the Secretariat" and said that Albania, Belarus, Cambodia, the former Yugoslav Republic of Macedonia, Guyana, Niger, the Philippines, Sierra Leone, Slovakia and Togo wished to join the sponsors.

111. Mr. DRAKAKIS (Greece), introducing draft resolution A/C.3/48/L.49, said that the Third Committee was the Main Committee of the United Nations dealing with human rights and the body that determined the mandate of the Centre for Human Rights within the framework of the human rights programme and was responsible for ensuring that the proper resources were available to the Centre in order to carry out those activities in full and on time. The sponsors of the draft resolution felt that it was necessary to draw attention to the seriousness and urgency of the financial situation facing the human rights programme and pointed out that the Centre's mandate embraced all the activities in that

(Mr. Drakakis, Greece)

programme and had been expanded through the new responsibilities resulting from the World Conference on Human Rights.

112. The report before the Committee (A/48/589) indicated that most of the new Professional posts included by the Secretary-General in the proposed programme budget for 1994-1995 would cover the posts already provided to the Centre in 1992-1993 on a temporary basis. Therefore, paragraph 2 of the draft resolution requested the Secretary-General to make additional proposals in order to further increase the resources of the human rights programme in 1994-1995.

113. The World Conference on Human Rights had initiated numerous new activities, including better coordination of human rights activities within the United Nations system, stepped-up work aimed at the universal ratification of the human rights instruments, enhancement of the advisory services and technical assistance programme and increased activities relating to racial discrimination and xenophobia, torture and the human rights of women, children, minorities and indigenous peoples. In order to be able to carry out all those new activities, the Centre must be provided with additional resources. In that context, the Vienna Declaration and Programme of Action called for a considerable increase in resources from the regular budget for activities in the field of human rights. In order to make it clear that the strengthening of the Centre should not be carried out at the expense of United Nations development programmes and activities, the phrase "without diverting resources from development programmes and activities of the United Nations" had been added at the end of paragraph 6 of the draft resolution.

114. Just as the World Conference had reached all continents, the general awareness of the need to strengthen the Centre for Human Rights had also spread throughout the international community, as could be seen from the large number of sponsors of the draft resolution from all the geographical groups. The time had come to respond to the needs of the international community by showing that the Vienna Declaration and Programme of Action were not only "words", but also deeds. His delegation was confident that draft resolution A/C.3/48/L.49, as orally amended, would be adopted without a vote.

115. Mr. FERNANDEZ PALACIOS (Cuba), referring to paragraphs 2 and 6 of the draft resolution, requested that a statement of its financial implications should be submitted to the Committee. The views of the Director of the Programme Planning and Budget Division and the Controller should be submitted on paragraphs 1 and 3 of part B, section VI, of resolution 45/248, in which the General Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters.

Draft resolution A/C.3/48/L.68/Rev.1

116. Mr. ALBIN (Mexico) introducing draft resolution A/C.3/48/L.68/Rev.1 entitled "Situation of human rights in El Salvador" on behalf of Colombia, Costa Rica, El Salvador, France, Guatemala, Honduras, Spain, Sweden, United States of America, Venezuela and his own country, said that the revised text was the product of intensive negotiations among all the parties concerned.

117. The effort being made by Salvadorian society to consolidate the process of national reconciliation and democratization deserved the support of the international community. Accordingly, the draft resolution called upon all Governments to support compliance with the Peace Accords. It also urged the international financial institutions to contribute promptly and generously in order to finance the National Reconstruction Plan.

Draft resolution A/C.3/48/L.65/Rev.1

118. Ms. AL-HAMANI (Yemen) said that at a previous meeting her delegation had already explained its position concerning the vote on draft resolution A/C.3/48/L.65/Rev.1 to the effect that it would not vote on separate paragraphs and did not understand how its vote could be recorded in voting in which it had not participated and would not have participated in any case, and not in the vote on the draft resolution as a whole.

The meeting rose at 6.10 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
54th meeting
held on
Wednesday, 8 December 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. KUKAN (Slovakia)

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* Items considered together.

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/L.13/Rev.1 and A/C.3/48/L.80)

Draft resolution A/C.3/48/L.13/Rev.1

1. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.13/Rev.1, entitled "Third Decade to Combat Racism and Racial Discrimination", and drew attention to the programme budget implications in document A/C.3/48/L.80. When the revised draft resolution had been introduced at the 48th meeting, technical corrections to the text had been read out by the Secretary of the Committee.

2. Draft resolution A/C.3/48/L.13/Rev.1 was adopted.

3. The CHAIRMAN suggested that the Committee should adopt the following decision concerning document A/48/558 submitted under item 107:

> "The General Assembly takes note of the draft model national legislation for the guidance of Governments in the enactment of further legislation against racial discrimination, revised by the Secretariat in accordance with the comments made by the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions (A/48/558)."

4. It was so decided.

5. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda item 107.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/48/L.53)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.38, L.49, L.54 and L.80)

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Draft resolution A/C.3/48/L.38

6. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.38, entitled "World Conference on Human Rights", and drew attention to the programme budget implications in document A/C.3/48/L.80. The sponsors had been joined by Ecuador, Guinea, Honduras, Kyrgyzstan, Latvia, Mauritania, Monaco, Mongolia, Nepal, Nigeria, Papua New Guinea, the Philippines, the Republic of Moldova, the Sudar Thailand, Uganda, the United Kingdom and Uruguay.

7. Draft resolution A/C.3/48/L.38 was adopted.

Draft resolution A/C.3/48/L.40

8. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.40, entitled "Protection of children affected by armed conflicts", and drew attention to its programme budget implications in document A/C.3/48/L.82. The sponsors had been joined by Afghanistan, Andorra, Angola, Azerbaijan, Bosnia and Herzegovina, Botswana, Cambodia, Cameroon, Canada, Cyprus, Egypt, Kyrgyzstan, Latvia, Liechtenstein, Monaco, Mongolia, Morocco, Namibia, Nigeria, Pakistan, the Philippines, Rwanda, Tajikistan and Togo.

9. Mr. ROSENBERG (Ecuador), speaking on behalf of the sponsors, said that the phrase "in particular, measures to ensure proper medical care and adequate nutrition," should be inserted after the word "reintegration" in paragraph 7.

10. Draft resolution A/C.3/48/L.40, as orally revised, was adopted.

Draft resolution A/C.3/48/L.49

11. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.49, entitled "Strengthening of the Centre for Human Rights of the Secretariat", paragraph 6 of which had been orally revised by the sponsors at the previous meeting. The draft resolution had no programme budget implications and Latvia had joined its sponsors. He invited the Secretary of the Committee to respond to a question raised by the representative of Cuba concerning paragraphs 2 and 6 of the draft resolution.

12. Ms. KAMAL (Secretary of the Committee) said that paragraph 2 of draft resolution A/C.3/48/L.49 requested the Secretary-General to make additional proposals in order to further increase the resources of the human rights programme in 1994-1995. In the context of the proposed programme budget for 1994-1995, the Secretary-General had made proposals to increase resources for the Centre for Human Rights. Those proposals were being reviewed currently by the Fifth Committee.

13. Paragraph 6 of the draft resolution requested the Secretary-General and Member States to ensure that additional resources from the regular budget were accorded to the Centre for Human Rights to enable it to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action. In that regard, it would be recalled that draft resolution

(Ms. Kamal)

A/C.3/48/L.38 endorsed the Vienna Declaration and Programme of Action and requested the Secretary-General to take further action with a view to the full implementation of all recommendations of the Conference. In connection with draft resolution A/C.3/48/L.38, a statement of programme budget implications had been issued (A/C.3/48/L.80) and dealt with the provisions of the Programme of Action that would give rise to the need for additional resources. Paragraph 6 of draft resolution A/C.3/48/L.49 also called for carrying out the mandates in the Programme of Action. As the additional requirements for the Programme of Action had been dealt with in the statement of programme budget implications (A/C.3/48/L.80) covering draft resolution A/C.3/48/L.38, there was no need for an additional statement.

14. Following the action taken by the Third Committee on those draft resolutions, the issue of additional resources would be dealt with by the Fifth Committee. Lastly, with regard to draft resolution A/C.3/48/L.49, the Committee should bear in mind General Assembly resolution 45/248 B VI, which reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters and expressed its concern at the tendency of its substantive Committees and other intergovernmental bodies to involve themselves in administrative and budgetary matters.

15. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation did not find the explanation provided by the Secretary of the Committee entirely satisfactory. In accordance with General Assembly resolution 45/248 B VI, the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters. Paragraphs 2 and 6 of draft resolution A/C.3/48/L.49 sought to intrude into the work of the Fifth Committee by prejudging the decision to be taken by that Committee on the amount of resources to be allocated to the Centre for Human Rights. Furthermore, in accordance with rule 153 of the rules of procedure, each draft resolution having financial implications should be accompanied by a separate statement of its programme budget implications. That had not been done with regard to a number of draft resolutions, including draft resolution A/C.3/48/L.49. His delegation continued to have reservations concerning paragraphs 2 and 6 of the draft resolution under consideration and therefore proposed that in paragraph 6, the word "additional" should be replaced by the word "adequate".

16. The CHAIRMAN said that Andorra, Sierra Leone, Tajikistan and the United Kingdom had indicated that they wished to join the sponsors.

17. Mr. DRAKAKIS (Greece), speaking as one of the sponsors, said that over the past four years the Third Committee, which was the main policy-making body in the General Assembly on human rights questions, had seen fit to express its views on strengthening the Centre for Human Rights. No one was calling into question the fact that it was the task of the Fifth Committee to determine the budgetary implications of draft resolutions and the amount of resources to be allocated. In draft resolution A/C.3/48/L.49, the Third Committee would only be expressing its concern about the need to strengthen the Centre in a general

(Mr. Drakakis, Greece)

manner. Paragraphs 2 and 6 reflected the desire of the members of the Committee to strengthen the Centre, which was the main tool for implementing resolutions adopted by the Committee as well as the recommendations set forth in the Vienna Declaration and Programme of Action. The wording of the two paragraphs was in accordance with the spirit of those documents. Approximately 90 delegations shared that view and it was his hope that the draft resolution could be adopted by consensus in accordance with the practice followed by the Committee in dealing with human rights questions.

18. Mrs. CASTRO de BARISH (Costa Rica) supported the views expressed by the Greek representative; paragraph 2 of draft resolution A/C.3/48/L.49 merely requested new proposals from the Secretary-General with a view to increasing the resources allocated to human-rights activities, and did not therefore encroach on the work of the Fifth Committee. Paragraph 6, as orally amended, also met the concerns of the Cuban representative, whom she therefore urged to refrain from pressing for any further amendments.

19. Mr. FERNÁNDEZ PALACIOS (Cuba) said that the positions of all delegations should be met with a view to reaching consensus. His delegation was willing to co-sponsor the draft resolution, provided that its legitimate concerns were addressed. Paragraph 6 should be amended as he had proposed in order to comply with General Assembly resolution 45/248 B VI and rule 153 of the rules of procedure, according to which administrative and budgetary matters were beyond the scope of the Third Committee.

20. Ms. SEMAFUMU (Uganda) reiterated her concern that several programme budget implications had been encompassed together in A/C.3/48/L.80. She added that if the additional proposals referred to in paragraph 2 of the draft resolution were over and above the implications set forth in document A/C.3/48/L.80, her delegation would share the concerns expressed by the Cuban representative with regard to that paragraph.

21. Mr. VAN DER HEIJDEN (Netherlands) supported the views expressed by the Greek representative. Unlike Cuba, he believed that General Assembly resolution 45/248 B VI was aimed at avoiding micro-management by Main Committees other than the Fifth Committee. Draft resolution A/C.3/48/L.49 involved no micro-management and complied fully with the Vienna Declaration and Programme of Action (A/CONF.157/23), part II, paragraph 9.

22. Mr. BIGGAR (Ireland) endorsed the views of Greece, Costa Rica and the Netherlands. He said he failed to understand Cuba's difficulties, given the agreement among Committee members that all decisions concerning the allocation of resources lay solely with the Fifth Committee. As document A/C.3/48/L.80 had already stated the need for additional requirements, he saw no reason to alter the wording of draft resolution A/C.3/48/L.49, paragraph 6. With regard to paragraph 2 of that draft resolution, it was clear from the statement given by the Secretary of the Committee that additional proposals already made by the Secretary-General were under consideration by the Fifth Committee. No further amendments were therefore required, since both paragraphs fully reflected the reality of the situation.

23. Mrs. ARUNGU-OLENDE (Kenya) pointed out that further clarification was needed, since the Committee had not received a statement of programme budget implications from the Fifth Committee with specific regard to draft resolution A/C.3/48/L.49.

24. Mr. HAMZAH (Singapore) said he believed that the Cuban representative had made a valid point which was not intended to undermine the consensus within the Committee with regard to strengthening the Centre for Human Rights. He also agreed that a statement of programme budget implications should have been provided for the draft resolution in question. With a view to addressing Cuba's concerns and to achieving consensus, he proposed that paragraph 2 should be amended to read: "Requests the Secretary-General to consider making additional proposals with a view to further increasing ..."; and that paragraph 6 should be amended to read: "... and Member States to consider ensuring ...". He further emphasized that, in line with the Vienna Declaration, any further amounts to be allocated to the human-rights programme should emanate only from within existing budgets and from extrabudgetary resources.

25. Mr. MAQUIEIRA (Chile) said he subscribed to the views of the Greek representative. However, as Cuba had not stated that it opposed any recommendation of the Committee to strengthen the Centre for Human Rights, he believed that it was unnecessary to amend the text of the draft resolution.

26. Ms. FOSTIER (Belgium) said that she agreed with the preceding speaker and that the Committee should send a policy message to the Fifth Committee, in which connection she also subscribed to the comments made by the Greek representative.

27. Mr. EL DEEB (Egypt) said that Egypt's co-sponsorship of the draft resolution reflected its desire to strengthen the Centre for Human Rights. None the less, Cuba's proposal reflected the concerns of various developing countries, including his own, while Kenya's comments were also relevant. He therefore urged the Committee to adopt the compromise formula proposed by Singapore with a view to reaching a final decision on the draft resolution.

28. Mr. SERGIWA (Libyan Arab Jamahiriya) supported the view that encompassing the programme budget implications of more than one draft resolution in a single document created problems with regard to their adoption. Agreeing with the concerns voiced by Cuba and Kenya, he therefore hoped that transparency would be achieved in the future by individually setting forth the financial implications for each draft resolution. Meanwhile, he supported the amendments to draft resolution A/C.3/48/L.49 proposed by Singapore.

29. Mrs. MBELLA-NGOMBA (Cameroon) pointed out that only the Cuban proposal took account of the decision in the Vienna Declaration to strengthen the Centre for Human Rights by using existing and extrabudgetary resources.

30. Mr. TROTTIER (Canada), supporting the statements made by Greece, Costa Rica, Chile, the Netherlands, Ireland and Belgium, said that the draft resolution complied with General Assembly resolution 45/248 B VI and the Vienna Declaration. The Committee should therefore send a powerful message to the

(Mr. Trottier, Canada)

Fifth Committee by adopting the text without the introduction of further amendments.

31. Mr. SAHRAOUI (Algeria) said that the Committee could convey messages to the Fifth Committee without contradicting the rules of procedure and the Vienna Declaration.

32. Mr. DEKANY (Hungary) subscribed to the views expressed by Greece and Canada, among others, and pointed out that the Committee had just adopted draft resolution A/C.3/48/L.38, which unambiguously endorsed the Vienna Declaration. He therefore urged all delegations to take the equally unambiguous step of adopting draft resolution A/C.3/48/L.49, which was consistent with the Vienna Declaration and the draft resolution just adopted.

33. Mr. BOISSON (Monaco) proposed that the first preambular paragraph of draft resolution A/C.3/48/L.49 should be preceded by an additional paragraph which read: "Bearing in mind United Nations General Assembly resolution 45/248". The remainder of the draft resolution should remain unchanged.

34. Mr. LIEU Zhenmin (China) said he agreed with the views expressed by Cuba, Kenya, Egypt, Singapore and Cameroon. Being qualified only to make a general recommendation on strengthening the Centre for Human Rights, the Committee should endeavour to reach a consensus, which could be achieved by adopting the compromise formula proposed by Singapore.

35. Ms. MURUGESAN (India), endorsing the idea of sending a strong political message to the Fifth Committee, said that her delegation could agree to the amendments proposed by both Cuba and Singapore. The proposed Cuban amendment, however, still failed to preclude additional resources. She also shared the concern over the non-availability of specific programme budget implications for draft resolution A/C.3/48/L.49, which India had not co-sponsored in view of the ambiguity contained in paragraph 6.

36. Mr. PALIHAKKARA (Sri Lanka) said that his delegation firmly supported draft resolution A/C.3/48/L.49 and agreed that a strong political message should be sent to the Fifth Committee, in accordance with the Vienna Declaration, which clearly recognized the need to increase substantially resources for the Centre for Human Rights. As some delegations were obviously concerned with certain language contained in the draft resolution, his delegation would agree to specifying "appropriate resources" in paragraph 6, since to do so in no way diluted the strong political message contained therein.

37. Mr. SHARP (Australia) joined the previous speakers who had supported the existing text of draft resolution A/C.3/48/L.49. There appeared to be a consensus that it was up to the Fifth Committee to make decisions on questions of administration and budget. However, the Third Committee should not shy away from its responsibility to make policy recommendations and to send strong political messages to the Fifth Committee on recommendations which, in the case in point, had been made at the highest level by the World Conference on Human Rights.

38. Mr. BIGGAR (Ireland), agreeing with the previous speaker, added that to seek to dilute the political message contained in paragraphs 2 and 6, in the form suggested either by the representative of Cuba or the representative of Singapore, would seriously undermine the consensus reached in Vienna. His delegation believed that neither proposal would command consensus and that the draft resolution should be adopted as prepared and orally revised at the previous meeting.

39. Mr. KUEHL (United States of America) clarified that paragraph 6 had been orally revised to insert the words: "without diverting resources from development programmes and activities of the United Nations" at the end of the paragraph. His delegation favoured adopting draft resolution A/C.3/48/L.49 as orally revised, and did not support any other proposed amendment.

40. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation supported the statements made by the representatives of Chile, Belgium, New Zealand, Ireland and others, specifying the need to send the message agreed upon at Vienna to the Fifth Committee. If consensus could not be reached on the draft resolution under discussion, her delegation proposed taking a vote.

41. Mr. MAZLAN (Malaysia) said that his delegation approved of the draft resolution as orally revised, together with the Cuban amendment to paragraph 6, but since certain delegations clearly objected to certain language, in the interest of reaching consensus, his delegation supported Singapore's proposed amendments.

42. Mrs. ARUNGU-OLENDE (Kenya) said that her delegation strongly supported the draft resolution as orally revised, and welcomed the amendment to paragraph 6. While her delegation was ready to adopt the draft resolution as it stood, she agreed that it lacked clarity.

43. Mr. OULD MOHAMED LEMINE (Mauritania) said that his delegation had co-sponsored the draft resolution and believed it dealt with important issues that deserved consensus. Therefore, it was willing to consider the problems raised by various delegations and agreed that paragraphs 2 and 6 would benefit from clarification. Since the proposed amendments did not fundamentally alter the text, his delegation preferred adoption of the Cuban proposal.

44. Mr. RATA (New Zealand), supported by Mr. NIETO (Argentina), said that, as a sponsor of A/C.3/48/L.49, his delegation fully supported the draft resolution as it stood. He agreed with the statements made by the representatives of Greece, the Netherlands, Chile, Belgium, Canada, Australia and others, and emphasized the Third Committee's responsibility to follow up on recommendations adopted at the Vienna Conference, one of which was to increase the financial resources available to the Centre for Human Rights.

45. Mr. HAMZAH (Singapore) said that, although he preferred to retain his initial proposal, he was willing to make a second proposal, in line with the wording adopted at Vienna, which consisted in inserting the phrase "from within the existing and future regular budgets", in paragraph 2, immediately following

(Mr. Hamzah, Singapore)

the words "1994-1995" and also in paragraph 6, following the word "resources", to replace "from the regular budget".

46. Ms. SEMAFUMU (Uganda) said her delegation supported the second proposal made by the representative of Singapore.

47. Mr. MAQUIEIRA (Chile) suggested that the Committee adopt draft resolution A/C.3/48/L.49 as it stood, and that the Chairman attach to it an accompanying statement, indicating that it was the understanding of the Third Committee that draft resolution A/C.3/48/L.49 in no way prejudged the outcome of consideration by the Fifth Committee of that draft resolution.

48. Mrs. MBELLA-NGOMBA (Cameroon), emphasizing full support for draft resolution A/C.3/48/L.49, said that her delegation endorsed the second amendment proposed by the representative of Singapore. In the event that that amendment was adopted, her delegation would ask to become a sponsor.

49. Mr. FERNÁNDEZ PALACIOS (Cuba), emphasizing his delegation's commitment to draft resolution A/C.3/48/L.49, questioned why a statement of programme budget implications had not been submitted as requested a week earlier, and he requested that one should be submitted in accordance with rule 153 of the rules of procedure.

50. Mr. DRAKAKIS (Greece), speaking as one of the sponsors, proposed that paragraph 6 should be revised to read:

> "6. Requests the Secretary-General and Member States to ensure that additional resources from within the existing and future regular budgets of the United Nations are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action, without diverting resources from development programmes and activities of the United Nations;".

51. The CHAIRMAN said that he had been informed that draft resolution A/C.3/48/L.49 had no programme budget implications. In clarification, he cited part of the statement read out by the Secretary of the Committee, which read: "In the context of the proposed programme budget for 1994-1995, the Secretary-General has made proposals to increase resources for the Centre for Human Rights".

52. Mr. DRAKAKIS (Greece) said that the sponsors could accept paragraph 6 worded in the following way:

> "Requests the Secretary-General and Member States to ensure that appropriate additional resources from within the existing and future regular budgets are accorded to the Centre for Human Rights ...".

Taken with the Chairman's statement that the draft resolution had no programme budget implications, the Committee should now be able to adopt it.

53. Ms. MURUGESAN (India) agreed with the proposal made by the representative of Greece and added that in order for the sense of part II, paragraph 10, of the Vienna Declaration and Programme of Action to be reflected adequately, she suggested inserting the words "reinforced by voluntary funding" after "Centre for Human Rights" in paragraph 6 of the draft resolution.

54. Mr. DRAKAKIS (Greece) said that, as the Committee was approaching a useful compromise, it would be helpful if no further proposals were made. He supported the proposal made by Chile.

55. Paragraph 6, as revised, would read:

> "6. Requests the Secretary-General and Member States to ensure that appropriate additional resources from within the existing and future regular budgets of the United Nations are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action, without diverting resources from development programmes and activities of the United Nations;".

56. The CHAIRMAN read out the statement he would make to accompany draft resolution A/C.3/48/L.49:

> "It is my understanding that in approving resolution A/C.3/48/L.49 the Third Committee does not in any way prejudge the outcome of the consideration that the Fifth Committee will give to this resolution, in particular to operative paragraphs 2 and 6."

57. Draft resolution A/C.3/48/L.49, as orally revised, was adopted.

58. Ms. SEMAFUMU (Uganda) said that her delegation had voted in favour of the draft resolution on the understanding that the programme budget implications for paragraph 6 were contained in document A/C.3/48/L.80, that paragraph 2 had no programme budget implications and that therefore draft resolution A/C.3/48/L.49 as a whole had no programme budget implications.

59. Mr. AIZAWA (Japan) said that his delegation had joined in the consensus on the draft resolution in order to send a strong political message on the strengthening of the Centre for Human Rights.

60. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation had joined the consensus on the draft resolution in the light of the Chairman's statement on programme budget implications.

Draft resolution A/C.3/48/L.37/Rev.2

61. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.37/Rev.2, entitled "Situation of human rights in Estonia and Latvia", paragraph 4 of which had been amended as a result of consultations among the interested delegations. The amendment read:

> "4. Requests the Secretary-General to keep Member States informed on the situation of human rights in Estonia and Latvia and decides to consider this item at one of its future sessions".

62. Draft resolution A/C.3/48/L.37/Rev.2, as orally amended, was adopted.

63. The CHAIRMAN said that, in the light of the adoption of draft resolution A/C.3/48/L.37/Rev.2, the proposed amendment in document A/C.3/48/L.83 was no longer necessary.

64. Mr. PARSHIKOV (Russian Federation), supported by Mr. AINSO (Estonia), expressed sincere gratitude to all those, especially the delegations of Belgium and Sweden, that had worked so hard to reach a compromise on draft resolution A/C.3/48/L.37/Rev.2.

Draft resolution A/C.3/48/L.53

65. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.53, entitled "International covenants on human rights", and said that it had no programme budget implications. He read out a minor correction to the fourth preambular paragraph.

66. Mr. KASOULIDES (Cyprus) and Mrs. LIMJUCO (Philippines) said that they wished to join the sponsors of the draft resolution.

67. Draft resolution A/C.3/48/L.53 was adopted.

Draft resolution A/C.3/48/L.54

68. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.54, entitled "International Decade of the World's Indigenous People", and said that the programme budget implications were to be found in document A/C.3/48/L.80. He recalled that, at the 50th meeting, paragraph 9 of the draft resolution had been orally revised by the representative of Australia, the words "taking fully into account through appropriate channels the views of indigenous people" being deleted and the words "with Governments and in partnership with indigenous people" being inserted after the word "consider".

69. Mr. MAQUIEIRA (Chile) said that his delegation wished to join the sponsors.

70. Draft resolution A/C.3/48/L.54, as orally revised, was adopted.

71. Ms. JAHAN (Bangladesh) said that her country had espoused the cause of indigenous peoples everywhere and in that spirit had joined the consensus on the draft resolution. However, she wished to make it clear that the term "indigenous people" referred only to the original inhabitants of a country and not to the minorities that might have settled there.

72. Mr. LIEU Zhenmin (China) said that his delegation had joined the consensus on the draft resolution and reserved its right to give an explanation of vote in the plenary Assembly.

Draft resolution A/C.3/48/L.68/Rev.1

73. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/48/L.68/Rev.1, entitled "Situation of human rights in El Salvador", and said that there were no programme budget implications.

74. Mr. ALBIN (Mexico), speaking on behalf of the sponsors, read out some small corrections to the text of the draft resolution, and said that Hungary and Panama wished to join the sponsors.

75. Mr. TROTTIER (Canada) said that his country, too, wished to join the sponsors.

76. Draft resolution A/C.3/48/L.68/Rev.1 was adopted.

77. Mr. MIN (Myanmar), speaking in exercise of the right of reply, said that during the Committee's discussion of agenda item 114 (c), the representative of the United States had made highly disparaging remarks against his Government. He had demonstrated a singular lack of knowledge of Myanmar's history and traditions when he had referred to the Tatmadaw (Myanmar Defence Services) as a prime instrument of human-rights abuse. The Tatmadaw was a highly disciplined self-defence force with a strong sense of patriotism which had always shouldered its responsibility to defend the nation against all internal and external dangers. He categorically rejected allegations that it was perpetrating human-rights violations against the Myanmar people. The regret expressed by the representative of the United States that draft resolution A/C.3/48/L.70 had not urged Member States to consider policies to restrict voluntarily arms sales to Myanmar betrayed the intention of the United States to seek, in an incremental fashion, the imposition of an arms embargo on Myanmar.

78. Furthermore, he had alleged that there had been an unprecedented expansion of the Myanmar Defence Services, which amounted to questioning the right of every sovereign State to determine its own security needs in accordance with Article 51 of the Charter, a right which the United States itself jealously guarded.

79. The United States representative had also asserted that draft resolution A/C.3/48/L.70 should have urged the United Nations specialized agencies operating in Myanmar to ensure that funds expended in that country reached the intended grass-roots-level recipients. In conformity with decision No. 93/21 of the United Nations Development Programme Governing Council, all assistance from

(Mr. Min, Myanmar)

UNDP and related funds was now clearly targeted towards programmes having grass-roots-level impact. That meant that the idea put forward by the United States representative, which seemed to differ materially from the Governing Council decision, could only be taken as a politically motivated attempt to have all United Nations aid-giving agencies bypass the lawful Government and deal directly with the people at the grass-roots level.

80. The ideas proposed by the United States, if accepted, would set a most dangerous precedent not only for Myanmar but for the majority of Member States, particularly those that were small and weak. The United States had made every effort to amend the draft resolution in the ways described above, and the fact that its proposals had not been taken up by most of the other Western countries attested to their extremist nature. Indeed, they could be fairly described as bullying tactics, but such tactics would not work.

The meeting rose at 12.55 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
55th meeting
held on
Wednesday, 8 December 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. KUKAN (Slovakia)

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TRIBUTE TO THE MEMORY OF MR. FÉLIX HOUPHOUËT-BOIGNY, PRESIDENT OF CÔTE D'IVOIRE

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

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Distr. GENERAL
A/C.3/48/SR.55
2 March 1994
ENGLISH
ORIGINAL: FRENCH

93-82906 (E)

The meeting was called to order at 3.25 p.m.

Tribute to the memory of Mr. Félix Houphouët-Boigny, President of Côte d'Ivoire

1. The CHAIRMAN, speaking on behalf of the entire Committee, extended his condolences to the delegation of the Côte d'Ivoire on the death of the President of Côte d'Ivoire, Mr. Félix Houphouët-Boigny, and asked Committee members to observe a minute of silence in his memory.

2. Mr. DO NACIMIENTO (Angola), speaking on behalf of the Group of African Countries, paid a tribute to the outstanding political qualities of President Houphouët-Boigny, his long experience in African affairs and his contribution to the cause of human rights and fundamental freedoms for the peoples of the whole world, and extended his sincere condolences to the delegation of the Côte d'Ivoire.

3. Mrs. KABA (Côte D'Ivoire) said that Mr. Houphouët-Boigny had died at the age of 88, in his native village, on 7 December 1993, which was a symbolic date because it marked the 33rd anniversary of the independence of his country, to which he had devoted two decades of his political life. As the leader of the Côte d'Ivoire since 1960, he had succeeded in establishing democratic institutions and laying the essential foundations for his country's economic development. He was truly the "father of his country", the "old man" of whom all his countrymen were proud and whose loss they would feel deeply.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/48/L.74/Rev.1, L.81)

Draft resolution A/C.3/48/L.74/Rev.1: Situation of human rights in the Republic of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

4. The CHAIRMAN noted that the statement of financial implications for the draft resolution was contained in document A/C.3/48/L.81.

5. Mr. DE BARROS (Secretariat) said that, for technical reasons, it had not been possible to incorporate the amendments made in the text of the draft resolution into the document before the Committee. The title of the draft resolution had been amended to read: "Human rights situation in the territory of former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)"; the word "Serbia" in paragraph 17 should be replaced by "Federal Republic of Yugoslavia (Serbia and Montenegro)" and paragraph 33 should read: "Decides to continue the consideration of the question at its forty-ninth session under the agenda item entitled 'Human rights questions'".

(Mr. de Barros)

6. He announced that the following countries had become co-sponsors of the draft resolution: Albania, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Djibouti, Egypt, Finland, France, Georgia, Germany, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malaysia, Marshall Islands, Morocco, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Saudi Arabia, Senegal, Sierra Leone, Spain, Sweden, Tunisia, Turkey and the United Kingdom.

7. Mrs. AL-HAMAMI (Yemen) said that her delegation wished to associate itself with the sponsors of the draft resolution.

8. The CHAIRMAN announced that Afghanistan, Andorra, Kuwait, Papua New Guinea, Samoa and Sudan had also become sponsors of the draft resolution.

9. Draft resolution A/C.3/48/L.74/Rev.1 was adopted without a vote.

10. Mr. TURK (Slovenia) said that his delegation had associated itself with the adoption of the draft resolution because it was an important international document which defined clearly and specifically violations of human rights and the ways to put an end to them. Slovenia had not joined the co-sponsors of the draft resolution because it could not support the amendment made in the title at the last moment. The expression "in the territory of former Yugoslavia" lent itself to confusion and referred to an entity which no longer existed and had been replaced by successor States each of which should be considered on the basis of its individual characteristics.

11. Mr. PARSHIKOV (Russian Federation) said that although his delegation had not opposed the adoption of the draft resolution without a vote that did not mean it approved all of its provisions. It reserved the right to explain its position when the text was submitted to the General Assembly for adoption at a plenary meeting.

12. Mrs. LIMJUCO (Philippines) said that her delegation had joined the consensus but not the sponsors of the draft resolution because it considered the term "territory of former Yugoslavia" inaccurate.

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.77)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

Draft resolution A/C.3/48/L.77 entitled "Human rights and progress in science and technology"

13. The CHAIRMAN noted that the draft resolution had no financial implications.

14. Mr. LEPESHKO (Belarus) presented orally four amendments to the draft resolution which had been agreed on during the morning. After the words "information technology" in the second line of the eighth preambular paragraph, the words "and that elicit dumping of toxic and dangerous products and waste" should be added. In the eleventh preambular paragraph, the word "ensure" should be replaced by the words "work towards". In paragraph 2, after the words "ecological environment" the words "that is, inter alia, measures against the illicit dumping of toxic and dangerous products and waste" should be added. In paragraph 3, the words "emphasizes that" should be replaced by the words "underlines the need that many advances in scientific knowledge"; and a phrase should be added after the words "heritage of humanity" reading ", while stressing the importance of the respect by all countries of the intellectual property rights". He also announced that Andorra had joined the sponsors of the draft resolution.

15. Mr. SREENIVASAN (India) said that he had been somewhat surprised by the amendments announced by the representative of Belarus and did not know whether they had actually been accepted by all the sponsors of the draft resolution. He asked the Committee to postpone a decision on the draft resolution until a later date because those amendments had far-reaching consequences for the developing countries and it might be necessary for them to consult further on the subject. Two amendments in particular had important implications, firstly, the replacement of the word "ensure" by the words "work towards" diluted the concept of the right to development which had been recognized by the Third Committee and recently at the Vienna Conference; that amendment was therefore totally unacceptable to his delegation. Moreover, the introduction in paragraph 3 of the idea of intellectual property rights, although it might be justified in speaking of science and technology in general was unnecessary in the case of that paragraph, which dealt with specific subjects such as health, education and housing, and other social areas which were of great importance for the developing countries. His delegation would therefore be unable to join the consensus if the amendments proposed by Belarus were retained.

16. Ms. DIOP (Senegal), supporting the Indian representative's statement, said that her delegation had been informed of the amendments presented by Belarus too late to have received specific instructions on them. In the case of the eleventh preambular paragraph, she proposed, in a spirit of compromise, that the word "ensure" should be retained or, at most, replaced by "work towards the use of those sciences and technologies to promote". After expressing regret that Senegal, an independent sovereign State, had not been consulted as a co-sponsor of the draft resolution and that its concerns had not been taken into account when the amendments in question, whose exact authors were unknown, had been drafted, she requested that no decision should be taken by the Committee at the current meeting.

17. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation had been prepared to support the draft resolution, which represented a praiseworthy effort, but that as the amendments presented by Belarus changed the scope of the draft resolution completely, it supported the statements by India and Senegal, particularly with regard to the amendment to the eleventh preambular paragraph, i.e., the deletion of the word "ensure", which weakened considerably the idea of the right to development. His delegation would therefore have the greatest difficulty in accepting the text as so amended.

18. The CHAIRMAN said that if the sponsors had no objection, the Third Committee would decide on draft resolution A/C.3/48/L.77 on Monday, 13 December 1993.

19. Mr. SACIRBEY (Bosnia and Herzegovina) said that his delegation's vote in favour of draft resolution A/C.3/48/L.65/Rev.1, entitled "Human rights situation in Sudan" had been an error and that his delegation had wished to abstain in the vote on that draft resolution.

The meeting rose at 3.55 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
56th meeting
held on
Tuesday, 13 December 1993
at noon
New York

SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. KUKAN (Slovakia)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

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Distr. GENERAL
A/C.3/48/SR.56
22 February 1994

ORIGINAL: ENGLISH

93-82978 (E)

The meeting was called to order at noon.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/C.3/48/L.84)

1. The CHAIRMAN drew attention to document A/C.3/48/L.84 on the organization of work of the Third Committee and the draft biennial programme of work of the Committee for 1994-1995.

2. Mr. BUNCH (Chief of the Programme and Documentation Planning Section) said that a number of revisions had been agreed upon at the informal meeting. In annex I, section D, "Programme of work", footnote 3/ should read: "Sub-item (a) is to be discussed separately; sub-items (b), (c) and (d) are to be discussed jointly.", and footnote 4/ should read: "Delegations may make one statement under sub-item (a) and two statements under sub-items (b), (c) and (d), but should not make two statements on any one sub-item."

3. In annex I, the content of item 7, entitled "International drug control", would be listed as a single topic rather than as four separate topics, in line with the omnibus resolution, and a reference would be added to the title of the resolution just adopted in plenary on the question of drugs. Under item 9 (b), the topic "Human rights and terrorism (1994)" should be added.

4. In annex II, under item 7 on international drug control, a reference would also be added to the resolution adopted by plenary. There was a typographical error on page 22 under item 9 (b): draft resolution A/C.3/48/L.64 was entitled "Internally displaced persons".

5. In response to a question asked at the end of the informal meeting, he noted that since information on draft resolution A/C.3/48/L.47 on the human rights education decade was to come to the General Assembly through the Economic and Social Council, it had been joined with the report of the Economic and Social Council under item 9 (a).

6. Annexes I and II of document A/C.3/48/L.84, as orally revised, were approved.

7. The CHAIRMAN suggested that the Committee should approve the following draft decisions:

"The General Assembly,

"Recalling Economic and Social Council resolution 1993/54 of 29 July 1993,

"Decides to declare 3 May World Press Freedom Day";

"The General Assembly,

"Recalling its resolution 47/5 of 16 October 1992 and Economic and Social Council decision 1993/238 of 27 July 1993,

(The Chairman)

"Decides to redesignate the International Year of Older Persons (1999) as the International Year of the Elderly";

"The General Assembly,

"Takes note of the report of the Economic and Social Council (chapters I, II, V (sections A, C and J), VII and IX)."

8. It was so decided.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.77)

Draft resolution A/C.3/48/L.77: human rights and scientific and technological progress

9. Mr. LEPESHKO (Belarus), speaking on behalf of the sponsors of the draft resolution said that a number of amendments had been made to the text. At the end of the eighth preambular paragraph, the words "and that illicit dumping of toxic and dangerous products and waste potentially constitutes a serious threat to the human rights to life and health of everyone" should be added. In preambular paragraph 11, the words "to ensure their use in favour of economic and social progress for all" should be replaced by "that their use in favour of economic and social progress be to the benefit of all".

10. The end of operative paragraph 2, following the words "ecological environment", should read: ", that is, inter alia, measures against the illicit dumping of toxic and dangerous products and waste;". At the beginning of operative paragraph 3, the words "Emphasizes that" should be replaced by the words "Emphasizes the fact that many advances in". In the second line, after the words "other social spheres", the following should be added: "with a view to sustainable development". The words "while taking into account the need to protect intellectual property rights" should be added at the end of the paragraph.

11. After a discussion in which Mr. BIGGAR (Ireland), Mr. LEPESHKO (Belarus), Mr. BLACKMAN (Barbados) and Mrs. SHERMAN-PETER (Bahamas) took part, Mr. MAQUIEIRA (Chile) said that as the amendment to the eighth preambular paragraph was a direct quotation from the first part of paragraph 11 of the Vienna Declaration it would be preferable to use the word "substances" instead of "products"; the next part of paragraph 11 of the Declaration used the word "products", which was more directly relevant to operative paragraph 2, and could thus be retained in that paragraph.

12. Draft resolution A/C.3/48/L.77, as orally revised, was adopted without a vote.

Draft resolution on the High Commissioner for the promotion and protection of all human rights

13. Mr. AYALA LASSO (Ecuador), speaking as Chairman of the Working Group of the Third Committee, said that the Working Group had reached consensus on the text of a draft resolution which would be issued in his report as Chairman of the Working Group. With reference to the provisions of the draft resolution concerning financial resources, the Working Group had agreed that what had been adopted was without prejudice to the prerogatives of the Fifth Committee in that regard.

14. Mr. KUEHL (United States of America) said that his delegation intended to withdraw its draft resolution A/C.3/48/L.59 upon the presentation of the report by the Working Group.

15. The CHAIRMAN said that in view of the statement by the United States delegation, the amendments to draft resolution A/C.3/48/L.59 were no longer valid.

16. Mr. SAHRAOUI (Algeria) asked whether the draft resolution on the High Commissioner for Human Rights would be presented by the delegation of Ecuador.

17. The CHAIRMAN said that since the draft resolution on the High Commissioner for Human Rights would be presented in the report of the Chairman of the Working Group as a consensus text, there was no need to list any sponsors.

The meeting rose at 12.35 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
57th meeting
held on
Thursday, 16 December 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. KUKAN (Slovakia)

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AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

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Distr. GENERAL
A/C.3/48/SR.57
24 February 1994

ORIGINAL: ENGLISH

93-83009 (E)

The meeting was called to order at 11 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.59, L.79, L.85, L.86 and L.87)

1. The CHAIRMAN drew the Committee's attention to paragraph 6 of the report of the Chairman of the Working Group of the Third Committee (A/C.3/48/L.85) containing the text of a draft resolution which the Working Group was recommending for adoption by the Committee, and to its programme budget implications (A/C.3/48/L.87). In addition, he drew attention to draft resolution A/C.3/48/L.59 and to the amendments proposed thereto (A/C.3/48/L.79). The programme budget implications of the latter draft resolution were contained in document A/C.3/48/L.86.

2. Mr. KUEHL (United States of America), speaking on a point of order, said that his delegation was strongly committed to the adoption of the draft resolution recommended by the Working Group, and that it would withdraw draft resolution A/C.3/48/L.59 upon the adoption of the other text on the understanding that the only revisions that would be made would be those introduced by the Chairman of the Working Group.

3. Mr. GANAPATHY (Malaysia) said that his delegation would likewise withdraw its proposed amendments contained in document A/C.3/48/L.79.

Draft resolution concerning "High Commissioner for the promotion and protection of all human rights" (A/C.3/48/L.85)

4. Mr. AYALA-LASSO (Ecuador), speaking as the Chairman of the Working Group of the Third Committee, introduced the draft resolution contained in document A/C.3/48/L.85, which was the result of consensus, and pointed out that a new fourth preambular paragraph had been added which read as follows: "Reaffirming that the right of development is a universal and inalienable right, which is a fundamental part of the rights of the human person".

5. Mrs. ESPINOSA (Mexico), Mr. MAUBERT (France), Mr. FERNANDEZ-PALACIOS (Cuba), Mr. MONGBE (Benin), Ms. FENG Cui (China), Mr. SAHRAOUI (Algeria) and Mr. ALVAREZ (Uruguay) said that the Spanish, French and Chinese texts contained errors and should be brought into line with the English text.

6. The CHAIRMAN asked the representatives to submit their corrections in writing to the Secretary.

7. The draft resolution contained in paragraph 6 of document A/C.3/48/L.85, as orally amended, was adopted.

Explanation of position

8. Mr. BROUHNS (Belgium), speaking on behalf of the European Union, said that the European Union considered establishment of the post of High Commissioner for Human Rights to be an important step towards the promotion and protection of all human rights throughout the world, and that the High Commissioner should be appointed as quickly as possible. He also expressed the hope that the Secretary-General would do whatever was necessary to strengthen the Centre for Human Rights.

9. The European Union had committed itself to the negotiations in order to promote a consensual solution, so that the future High Commissioner might begin his work under the most favourable conditions, and had sought to keep an open mind and to be flexible. It was prepared to continue working in that same spirit.

10. Mr. COLOMA (Chile), speaking on behalf of the Group of Latin American and Caribbean States, said that the Working Group had carried out its mandate in an atmosphere charged with electricity. Through the efforts of the Working Group, and thanks in large measure to the competence of its Chairman, the Organization had managed to demonstrate to ordinary human beings that the United Nations would do whatever was needed to defend them and make protection of their human rights its greatest political and humanitarian priority.

11. Mr. SUTOYO (Indonesia), speaking on behalf of the non-aligned countries, said that the resolution generally reflected the common views of all delegations on how the High Commissioner for Human Rights should carry out his mandate in the promotion and protection of all human rights including the right to development.

12. Mr. DEKANY (Hungary) said that the consensus, as expressed in the draft resolution, reflected the endeavours of the entire international community, and the flexibility of all delegations had been based on their shared commitment to the cause of human rights.

13. It was absolutely essential that the High Commissioner should be provided with the necessary financial and administrative resources to perform the tasks entrusted to him. In view of the unanimous political will reflected in the resolution, it was reasonable to expect that the High Commissioner might be appointed quickly.

14. Mrs. CASTRO DE BARISH (Costa Rica) welcomed the fact that the final phase of the Working Group's efforts to achieve consensus adoption of the draft resolution had commenced on 10 December, the anniversary of the adoption of the Universal Declaration of Human Rights. The resolution was a milestone in the efforts of the Organization to achieve one of its highest priorities.

15. The results of the World Conference on Human Rights reflected the increased commitment to human rights throughout the world. The spirit of cooperation and political will demonstrated by all delegations reflected their acceptance of the

(Mrs. Castro de Barish, Costa Rica)

recommendations contained in the Vienna Programme of Action. Although the draft resolution did not specifically refer to violence against women, she hoped that the new High Commissioner would take that problem into account.

16. Although every Member State was bound to respect the values and principles of the Universal Declaration of Human Rights and the laws designed to ensure respect for those values, human rights were not universally observed or protected. Every year offered ample proof of how much still remained to be done. The High Commissioner should begin a dialogue with all Governments to ensure respect for all human rights. She also emphasized the importance of his functions in coordinating promotion and protection of human rights throughout the United Nations system.

17. Mr. PANEV (the former Yugoslav Republic of Macedonia), speaking on behalf of the Group of Eastern European States, underscored the importance of the decision to establish a post of High Commissioner for Human Rights in light of the current epidemic of human rights violations all over the world. The deliberations at the forty-eighth session had underscored that the international community should do much more to promote and protect human rights. He fully supported the view that human rights were universal and that the right to development was a basic human right which was essential for international cooperation. The High Commissioner should help, in particular, to ensure respect for the human rights of national minorities. The post of High Commissioner for Human Rights should be established in accordance with the draft resolution just adopted and should be entrusted to a person who would enjoy the full confidence of the international community.

18. Mr. SHARP (Australia) welcomed the adoption by consensus of the draft resolution and expressed the hope that the High Commissioner would be provided with the human and financial resources necessary to implement his mandate effectively.

19. Mr. GANAPATHY (Malaysia) welcomed the successful outcome of the intense and, at times, difficult negotiations to reach consensus on the establishment of the post of High Commissioner, noting that the non-aligned countries had played a constructive role in that regard. The High Commissioner should act in such a way as to foster trust and mutual understanding and should adopt a comprehensive approach in implementing his mandate. Lastly, he expressed satisfaction at the general spirit of cooperation and commitment that had made it possible to complete that historic task.

20. Ms. TOMIĆ (Slovenia) said that her country wholeheartedly welcomed the adoption by consensus of the draft resolution, which represented a point of departure for further action aimed at promoting and protecting human rights. Slovenia attached great importance to the comprehensive approach to all human rights and noted with satisfaction that the mandate of the High Commissioner included promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose. Nevertheless, Slovenia attached the greatest importance to the work of the High Commissioner concerning the most serious human rights violations.

(Ms. Tomić, Slovenia)

Accordingly, her Government welcomed the provision in the draft resolution that the High Commissioner would engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights. Although Slovenia had initially put forward more ambitious ideas in a paper entitled "Towards the establishment of the post of the United Nations High Commissioner for Human Rights" (A/C.3/48/8), it had joined the consensus and believed that ultimately the scope of his mandate would be expanded.

21. Mr. SREENIVASAN (India) associated his delegation with the statement made by the representative of Indonesia on behalf of the non-aligned countries. At the Vienna Conference, the international community had considered human rights on a global basis and had decided to meet the challenges in that field through international cooperation. The new spirit that had emerged at the Conference had made it possible to establish the post of the High Commissioner.

22. Mr. HYON (Democratic People's Republic of Korea) expressed satisfaction at the adoption of the draft resolution and said that his delegation would explain its position on the matter at a plenary meeting of the General Assembly.

23. Mr. KHAN (Pakistan) expressed satisfaction at the adoption by consensus of the draft resolution adding that the High Commissioner should be able to work within a general framework based on the universality, indivisibility and interdependence of human rights. The recognition of the right to development in the text demonstrated a mature and balanced approach towards human rights and paved the way for a comprehensive treatment of human rights situations throughout the world.

24. Pakistan had consistently supported the establishment of such a post and believed that a senior United Nations official entrusted with the principal responsibility for United Nations human rights activities, under the direction of the Secretary-General and the intergovernmental bodies, should be able to perform his tasks with impartiality, non-selectivity and non-discrimination. Answering to the United Nations intergovernmental bodies, the High Commissioner would reach conclusions on the basis of a meticulous verification of the facts and would need to take account of all situations where human rights were being grossly or consistently violated. The High Commissioner would not only be in a position to put an end to violations but also to take preventive action.

25. The Office of the High Commissioner involved a global responsibility and should not be used as a tool for carrying out political agendas or promoting vested interests. His activities should not affect international development cooperation for sustainable development and his assessment of human rights situations should not be used as a condition for providing badly needed economic assistance to developing countries. On the other hand, it would be equally immoral to invoke lack of development for justifying gross and systematic human rights violations anywhere in the world. The High Commissioner should also be able to improve the efficiency and effectiveness of the Organization's existing

(Mr. Khan, Pakistan)

human rights machinery. In that regard, his delegation hoped that the shortcomings of the current cumbersome procedures would be overcome by accelerating the current process for taking account of gross violations of human rights.

26. Ms. FENG Cui (China) said that her delegation supported the position of the non-aligned countries and the statements made by the previous speakers. China had participated in the activities of the Working Group and had joined in the consensus and would explain its position on the draft resolution at a plenary meeting of the General Assembly.

27. Mr. APATA (Nigeria) said that the adoption of the draft resolution demonstrated that the international community was interested not only in "bread and water" issues but also those that lifted the human spirit. The decision just adopted brought the Vienna Declaration and Programme of Action closer to implementation.

28. Mr. HYNES (Canada) said that the adoption of the draft resolution was a landmark decision in a long process that would continue with the appointment of the High Commissioner. His mandate would give him the broadest scope for taking initiative and he would require the cooperation and good will of Governments in that regard. The High Commissioner should make full and effective use of his authority and would have Canada's full support to that end.

29. Mr. RATA (New Zealand) said that his country had long supported the establishment of the post of the High Commissioner, which would enhance the Organization's efforts in the field of human rights. He hoped that the High Commissioner would be appointed speedily and provided with the necessary support and resources.

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

30. Mr. MAUBERT (France) said that his delegation wished to join the sponsors of draft resolution A/C.3/48/L.65/Rev.1.

The meeting rose at 12.55 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
58th meeting
held on
Thursday, 16 December 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. KUKAN (Slovakia)

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CONCLUSION OF THE COMMITTEE'S WORK

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, A/48/340, A/48/342, A/48/425, A/48/509 and Add.1, A/48/510, A/48/575, A/48/576, A/48/589, A/48/590; A/C.3/48/7 and A/C.3/48/8)

1. Mr. KEDZIA (Poland) and Ms. KOFLER (Austria) welcomed the Committee's adoption of the draft resolution on the establishment of the Office of United Nations High Commissioner for Human Rights. They thanked the Chairman of the Working Group of the Committee that had considered the creation of the Office, as well as the representatives of Brazil and Singapore, for the excellent way in which they had conducted the work of the group, which had resulted in a consensus. There was no doubt that that consensus would be a good starting point for the work of the future High Commissioner for Human Rights.

2. Mr. DEKANY (Hungary) said that his delegation fully associated itself with the statement by the representative of the former Yugoslav Republic of Macedonia, made on behalf of the States of Eastern Europe, concerning the creation of the Office of High Commissioner for Human Rights. His delegation commended and thanked the representative of Ecuador, the Chairman of the Working Group, for his outstanding work. He requested that his statement should be included in the summary record of the meeting.

3. Mr. AYALA LASSO (Ecuador) said that he had been touched by the words of gratitude expressed by delegations at the previous and current meeting. He commended the excellent work of the representatives of Brazil and Singapore, who had succeeded in resolving the very delicate questions involved in the creation of the Office of High Commissioner for Human Rights; they also deserved hearty thanks.

4. The Working Group would proceed to the second stage of its mandate. At the last meeting of the Working Group, he had requested all members to consider ways in which the Working Group could continue its work in a useful manner, and to submit their views in order to enable him to consolidate them. He would convene the Working Group in mid-January to propose a work plan.

5. He thanked the Chairman of the Committee and the members of the Working Group for their very valuable cooperation.

6. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 114 (b) and suggested that the Committee should take note of the following documents: report of the Committee against Torture (A/48/44 and Add.1); report of the Secretary-General on the United Nations Observer Mission to Verify the Referendum in Eritrea (A/48/283); report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (A/48/425); report

(The Chairman)

of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/48/520); note by the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/48/556); report of the Secretary-General on financing and adequate staff resources for the operations of the human rights treaty bodies (A/48/560); note by the Secretary-General on the right to development (A/48/576); note by the Secretary-General on the situation of human rights in southern Lebanon (A/48/577); report of the Secretary-General on the strengthening of the Centre for Human Rights of the Secretariat (A/48/589); report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/48/590); report of the Secretary-General on the outcome of the World Conference on Human Rights (A/48/599); and note by the Secretary-General transmitting the report on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the Commission on Human Rights (A/48/92-S/25341).

CONCLUSION OF THE COMMITTEE'S WORK

7. Mr. DO NASCIMENTO (Angola), on behalf of the Group of African States, Mr. ASAHI (Japan), on behalf of the Group of Asian States, Mr. PANEV (the former Yugoslav Republic of Macedonia), on behalf of the Group of Eastern European States, and Mr. AYALA LASSO (Ecuador), on behalf of the Group of Latin American and Caribbean States, expressed their thanks and warm wishes to the Chairman.

8. Mr. CABRAL (Portugal), speaking on behalf of the Western European and other States and the European Union, of which his country currently held the presidency, paid homage, as had the delegations that had taken the floor before him, to the Chairman of the Third Committee who, through his professional competence, diplomatic skill and cordiality, had greatly contributed to the success of the Committee's work. He also thanked the members of the Bureau as well as Ms. Kamal, who was serving as Secretary of the Committee for the last time.

9. Mr. KUEHL (United States of America), speaking as the representative of the host country, said that his delegation fully endorsed the expressions of thanks made by delegations that had spoken before him, in particular the delegation of Portugal, to the Chairman of the Third Committee. All delegations also had a debt of gratitude to the representative of Ecuador for the remarkable way in which he had conducted the work of the Working Group. In that regard, he also thanked the representatives of Brazil and Singapore for their valuable contributions. Finally, he thanked Ms. Kamal for her outstanding service to the Third Committee over many long years.

10. The CHAIRMAN thanked the delegations for their kind words addressed to him and the members of the Bureau. He thanked them for their support during the current session and also thanked Ms. Kamal for her advice and great experience, which had been particularly valuable to him. Finally, he thanked the staff of Conference Services and wished all a happy holiday season.

The meeting rose at 4.10 p.m.